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History of the United States
of America during the
administration of Thomas
Jefferson



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THE ADMINISTRATION
OF
THOMAS JEFFERSON

1805 — 1809

HISTORY OF THE UNITED STATES
OF AMERICA DURING
THE ADMINISTRATION OF
THOMAS JEFFERSON

BY
HENRY ADAMS

Books III and IV

ALBERT AND CHARLES BONI • NEW YORK

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BOOK III

HISTORY OF THE UNITED STATES.

CHAPTER I.

A SECOND time President Jefferson appeared at the Capitol, escorted with due formalities by a procession of militia-men and other citizens ; and once more he delivered an inaugural address, "in so low a voice that not half of it was heard by any part of the crowded auditory."¹ The second Inaugural roused neither the bitterness nor the applause which greeted the first, although in part it was intended as a cry of triumph over the principles and vanishing power of New England.

Among Jefferson's manuscripts he preserved a curious memorandum explaining the ideas of this address. As the first Inaugural declared the principles which were to guide the government in Republican hands, the second should report the success of these principles, and recall the results already reached. The task deserved all the eloquence and loftiness of thought that philosophy could command ;

¹ Diary of J. Q. Adams (March 4, 1805), i. 373. .

for Jefferson had made a democratic polity victorious at home and respectable in the world's eyes, and the privilege of hearing him reaffirm his doctrines and pronounce their success was one that could never be renewed. The Moses of democracy, he had the glory of leading his followers into their promised and conquered Canaan.

Jefferson began by renewing the professions of his foreign policy:—

“With nations, as with individuals, our interests, soundly calculated, will ever be found inseparable from our moral duties; and history bears witness to the fact that a just nation is taken on its word, when recourse is had to armaments and wars to bridle others.”

The sentiments were excellent; but many of Jefferson's followers must have asked themselves in what history they could find the fact, which the President asserted, that a just nation was taken on its word; and they must have been still more perplexed to name the nation, just or unjust, which was taken on its word by any other in the actual condition of the world. Without dwelling on this topic, which had already become one of interest in the councils of his Cabinet, Jefferson, passing to practical questions involved in redemption of debt, advanced a new idea.

“Redemption once effected,” he said, “the revenue thereby liberated may, by a just repartition among the States and a corresponding amendment of the Constitution, be applied, *in time of peace*, to rivers, canals, roads,

arts, manufactures, education, and other great objects within each State. *In time of war*, — if injustice, by ourselves or others, must sometimes produce war, — increased as the same revenue will be increased by population and consumption, and aided by other resources reserved for that crisis, it may meet within the year all the expenses of the year without encroaching on the rights of future generations by burdening them with the debts of the past. War will then be but a suspension of useful works, and a return to a state of peace a return to the progress of improvement."

Ten years earlier, in the mouth of President Washington, this sentiment would have been generally denounced as proof of monarchical designs. That Jefferson was willing not only to assume powers for the central government, but also to part from his States-rights associates and to gratify the Northern democrats by many concessions of principle, his first Administration had already proved; but John Randolph might wonder to see him stride so fast and far toward what had been ever denounced as Roman imperialism and corruption; to hear him advise a change of the Constitution in order to create an annual fund for public works, for the arts, for education, and even for such manufactures as the people might want, — a fund which was to be distributed to the States, thus putting in the hands of the central government an instrument of corruption, and making the States stipendiaries of Congress. Every principle of the Republican party, past or to come, was put to

nought by a policy which contradicted the famous sentiment of Jefferson's first annual message: "Sound principles will not justify our taxing the industry of our fellow-citizens to accumulate treasure for wars to happen we know not when, and which might not perhaps happen but from the temptations offered by that treasure." Yet pregnant as this new principle might be in connection with the Constitution and the Union, its bearing on foreign affairs was more startling. Jefferson, the apostle of peace, asked for a war fund which should enable his government to wage indefinite hostilities without borrowing money!

Quitting this dangerous ground, the President spoke of the Louisiana purchase. Then followed a paragraph upon religion. Next he came to the subject of the Indians, and chose this unusual medium for enforcing favorite philosophical doctrines. The memorandum written to explain his address declared the reasons that led him to use the mask of Indian philanthropy to disguise an attack upon conservatism.¹

"Every respecer of science," said this memorandum. "every friend to political reformation, must have observed with indignation the hue-and-cry raised against philosophy and the rights of man; and it really seems as if they would be overborne, and barbarism, bigotry, and despotism would recover the ground they have lost by the advance of the public understanding. I have thought the occasion justified some discountenance of these anti-social

¹ Jefferson's Writings (Ford), viii. 341.

doctrines, some testimony against them ; but not to commit myself in direct warfare on them, I have thought it best to say what is directly applied to the Indians only, but admits by inference a more general extension."

In truth, under the lead of Napolcon and Pitt, Europe seemed bent on turning back the march of time and renewing the bigotry and despotism of the Middle Ages ; but this occasion hardly dignified Jefferson's method of bearing testimony against the danger, by not committing himself to direct warfare upon it, but by applying to Indians the homily which by inference included the churches of New England.

"The aboriginal inhabitants of these countries," said the President to his great audience, "I have regarded with the commiseration their history inspires. Endowed with the faculties and the rights of men, breathing an ardent love of liberty and independence, and occupying a country which left them no desire but to be undisturbed, the stream of overflowing population from other regions directed itself on these shores."

If the Boston newspapers were not weary of ridiculing Jefferson's rhetoric, this sentence was fitted to rouse their jaded amusement ; but in a few moments they had reason to feel other emotions. He said that he had done what humanity required, and had tried to teach the Indians agriculture and other industries in order to prepare them for new conditions of life, — a claim not only true, but also honorable to him. Unfortunately these attempts met with obstacles from the Indians themselves : —

“They are combated by the habits of their bodies, prejudice of their minds, ignorance, pride, and the influence of interested and crafty individuals among them, who feel themselves something in the present order of things, and fear to become nothing in any other. These persons inculcate a sanctimonious reverence for the customs of their ancestors; that whatsoever they did must be done through all time; that reason is a false guide, and to advance under its counsel, in their physical, moral, or political condition, is perilous innovation; that their duty is to remain as their Creator made them, ignorance being safety, and knowledge full of danger. In short, my friends, among them is seen the action and counter-action of good sense and bigotry; they too have their anti-philosophers, who find an interest in keeping things in their present state, who dread reformation, and exert all their faculties to maintain the ascendancy of habit over the duty of improving our reason and obeying its mandates.”

Gallatin remonstrated in vain against this allusion to New England habits;¹ the President could not resist the temptation to strike once more his old enemies. Gallatin, whose sense of humor was keener than that of Jefferson, must have been amused by the travesty of New England under the war-paint and blankets of the Choctaws and Kickapoos; but Jefferson was never more serious than in believing that the people of Massachusetts and Connecticut were held in darkness by a few interested “medicine-men,” and that he could, without committing him-

¹ Gallatin's Writings, i. 227.

self in direct warfare, insult the clergy, lawyers, and keen-witted squirarchy of New England, thus held up "by inference" to the world as the equivalent to so many savages.

The rest of the Inaugural was chiefly devoted to the press and its licentiousness. Jefferson expressed himself strongly in regard to the slanders he had received, and even hinted that he would be glad to see the State laws of libel applied to punish the offenders; but he pointed out that slander had no political success, and that it might safely be disregarded as a political weapon. He urged "doubting brethren" to give up their fears and prejudices, and to join with the mass of their fellow-citizens. "In the mean time let us cherish them with patient affection; let us do them justice, and more than justice, in all competitions of interest." Finally, as though to silence the New-England pulpit, he closed with a few words which the clergy might perhaps think misplaced in the mouth of so earnest a deist,—an invocation of "that Being in whose hands we are, who led our forefathers, as Israel of old," to the "country flowing with all the necessities and comforts of life, . . . and to whose goodness I ask you to join with me in supplications."

The Second Inaugural strode far beyond the first in the path of democracy, away from the landmarks of Virginia republicanism, betraying what Jefferson's friends and enemies alike thought a craving for popularity. If this instinct sometimes led him to

forget principles he had once asserted, and which he would some day again declare vital, the quality was so amiable as to cover many shortcomings ; but its influence on national growth could not be disputed. Jefferson cherished but one last desire, — to reach the end of his next term without disaster. He frankly expressed this feeling in a letter written to General Heath soon after the autumn election of 1804, which gave him the electoral vote of Massachusetts : —

“I sincerely join you,” said he, “in congratulations on the return of Massachusetts into the fold of the Union. This is truly the case wherein we may say, ‘This our brother was dead, and is alive again ; and was lost, and is found.’ It is but too true that our Union could not be pronounced entirely sound while so respectable a member as Massachusetts was under morbid affection. All will now come to rights. . . . The new century opened itself by committing us on a boisterous ocean ; but all is now subsiding ; peace is smoothing our path at home and abroad ; and if we are not wanting in the practice of justice and moderation, our tranquillity and prosperity may be preserved until increasing numbers shall leave us nothing to fear from abroad. With England we are in cordial friendship ; with France in the most perfect understanding ; with Spain we shall always be bickering, but never at war till we seek it. Other nations view our course with respect and friendly anxiety. Should we be able to preserve this state of public happiness, and to see our citizens, whom we found so divided, rally to their genuine principles, I shall hope yet to enjoy the comfort of **that**

general good-will which has been so unfeelingly wrested from me, and to sing at the close of my term the *Nunc dimittis, Domine*, with a satisfaction leaving nothing to desire but the last great audit.”¹

He could not forgive the New England clergy their want of feeling in wresting from him ever so small a share of the general good-will, and he looked forward with impatience to the moment when he should enjoy universal applause and respect. In December, 1804, when this letter was written, he felt confident that his splendid triumph would last unchecked to the end of his public career; but the prize of general good-will, which seemed then almost won, continually eluded his grasp. The election of November, 1804, was followed by the session of 1804-1805, which stirred bad blood even in Virginia, and betrayed a spirit of faction among his oldest friends. His Inaugural Address of March, 1805, with its mixture of bitter-sweet, was answered within a few weeks by Massachusetts. At the April election the Federalists reversed the result of November, and re-elected Caleb Strong as governor by a vote of about 35,200 against 33,800, with a Federalist majority in the Legislature. Even in Pennsylvania divisions among Jefferson's followers increased, until in the autumn of 1805 Duane and Leib set up a candidate of their own choice for governor, and forced McKean, Dallas, and Gallatin's friends to unite with the Federalists in order to re-elect McKean. Jefferson balanced anxiously between

¹ Jefferson to General Heath, Dec. 13, 1804; Jefferson MSS.

these warring factions, trying to offend neither Duane nor John Randolph, nor even Burr, while he still drew the mass of moderate Federalists to sympathize in his views.

Thus the new Presidential term began, bringing with it little sign of change. The old arrangements were continued, with but one exception. Madison, Gallatin, Robert Smith, and Dearborn remained in the Cabinet; but Attorney-General Lincoln resigned, and Robert Smith asked to be transferred from the Navy Department to the Attorney-General's office.¹ After some hesitation Jefferson yielded to Smith's request and consented to the transfer. As Smith's successor in the Navy Department Jefferson selected Jacob Crowninshield, a member of Congress from Massachusetts, who was then at Washington. Crowninshield, in consequence of his wife's objection to leaving her family, declined the offer, Jan. 29, 1805,² but the President nevertheless sent the nomination to the Senate, March 2, 1805, together with that of Robert Smith, "now Secretary of the Navy to be Attorney-General of the United States." The same day the Senate confirmed both appointments, and the commissions were regularly issued, March 3,—Robert Smith apparently ceasing thenceforward to possess any legal authority over the Navy Department.

Nevertheless Crowninshield persisted in declining

¹ Jefferson to Robert Smith, Jan. 3, 1805; Jefferson MSS.

² Crowninshield to Jefferson, Jan. 29, 1805; Jefferson MSS.
State Department Archives.

the office, and Robert Smith continued to act as Secretary of the Navy, probably by the verbal request of the President. At length he consented to retain his old position permanently, and Jefferson sought for a new attorney-general. He offered the post, June 15, to John Julius Pringle of South Carolina, who declined. He then offered it, July 14, to John Thomson Mason, who also declined. August 7, Jefferson wrote to Senator Breckinridge of Kentucky, asking him to accept the office of attorney-general, and a temporary commission was the same day issued to him.

When Congress met, Dec. 2, 1805, Breckenridge was attorney-general under a temporary commission, and Robert Smith, who had ceased to be Secretary of the Navy on the confirmation of his successor, March 3, was acting as secretary under no apparent authority. Dec. 20, 1805, the President sent a message to the Senate making nominations for vacancies which had occurred during the recess, for which commissions had been granted "to the persons herein respectively named." One of these persons was John Breckinridge of Kentucky to be Attorney-General of the United States, and the nomination was duly confirmed. Breckenridge's permanent commission bore date Jan. 17, 1806.

These dates and facts were curious for the reason that Robert Smith, who had ceased to be Secretary of the Navy, March 3, 1805, ceased necessarily to be attorney-general on the confirmation of Breckin-

ridge, and continued to act as Secretary of the Navy without authority of law. The President did not send his name to the Senate, or issue to him a new commission either permanent or temporary. On the official records of the Department of State, not Robert Smith but Jacob Crowninshield was Secretary of the Navy from March 3, 1805, till March 7, 1809, when his successor was appointed, although Jacob Crowninshield died April 15, 1808, and Robert Smith never ceased to act as Secretary of the Navy from his appointment in 1801 to his appointment as Secretary of State in 1809. During the whole period of Jefferson's second administration, his Secretary of the Navy acted by no known authority except the verbal request or permission of the President.

In perfect quiet, disturbed only by rumors of wars abroad, spring crept forward to summer, summer ripened to autumn. Peace was restored with Tripoli; commerce grew apace; the revenue rose to \$14,000,000; the Treasury was near a surfeit; no sign appeared of check to the immense prosperity which diffused itself through every rivulet in the wilderness, and the President could see no limit to its future increase. In 1804 he had sent out an expedition under Captain Meriwether Lewis to explore the Louisiana purchase along the course of the Missouri River. May 14, 1804, Lewis and his party began their journey from St. Louis, and without serious difficulty reached the Mandan towns, sixteen hundred and nine miles from the starting point, where,

Nov. 1, 1804, they went into winter quarters. April 8, 1805, Lewis resumed his journey to the westward, sending the report of his wanderings to Washington. This report told only of a vast region inhabited by Indian tribes and disturbed by the restless and murderous Sioux; but it served to prove the immensity of the new world which Jefferson's government had given to the American people. Other explorations had been begun along the line of the Red and Washita rivers. In such contributions to human knowledge Jefferson took keen interest, for he had no greater delight than in science and in whatever tended to widen the field of knowledge.

These explorations of the territory beyond the Mississippi had little immediate bearing on the interests of commerce or agriculture; but the government was actively engaged in measures of direct value. July 4, 1805, William Henry Harrison, Governor of the Indiana Territory, closed a bargain with the Wyandots, Ottawas, and other Indian tribes, by which the Indian title over another part of Ohio was extinguished. The Indians thenceforward held within the State of Ohio only the country west of Sandusky and north of the old line fixed by the treaty of Greenville. Within the year the Piankeshaw tribe sold for a small annuity a tract of land in southern Indiana, along the Ohio River, which made the United States government master of the whole north bank of the Ohio to its mouth. These concessions, of the utmost value, were obtained at a trifling cost. "The average price

paid for the Indian lands within the last four years," wrote the Secretary of War,¹ "does not amount to one cent per acre." The Chickasaws and Cherokees sold a very large district between the Cumberland and Tennessee rivers in Tennessee, so that thenceforward the road from Knoxville to Nashville passed through no Indian land. In Georgia the Creeks were induced to sell an important territory between the Oconee and Ocmulgee rivers. In these treaties provision was also made for horse-roads through the Creek and Cherokee country, both from Knoxville and from central Georgia to the Mobile River.

Besides the many millions of acres thus gained for immediate improvement, these treaties had no little strategic value in case of war. No foreign country could fail to see that the outlying American settlements were defenceless in their isolation. Even the fort and village at Detroit were separated from the nearest white village by a wide Indian country impassable to wagons or artillery; and the helplessness of such posts was so evident as to impress every observer.

"The principles of our government," said Jefferson when danger at last arose,² "leading us to the employment of such moderate garrisons in time of peace as may merely take care of the post, and to a reliance on the

¹ Dearborn to Robertson, March 20, 1805; State Papers, vol. v.; Indian Affairs, i. 700.

² Message of Jan. 30, 1808; State Papers, vol. v.; Indian Affairs, i. 752.

neighboring militia for its support in the first moments of war, I have thought it would be important to obtain from the Indians such a cession in the neighborhood of these posts as might maintain a militia proportioned to this object."

This "principle of our government" that the settlers should protect the army, not the army the settlers, was so rigorously carried out that every new purchase of Indian lands was equivalent to providing a new army. The possession of Sandusky brought Detroit nearer its supports; possession of the banks of the Ohio strengthened Indiana. A bridle-path to New Orleans was the first step toward bringing that foreign dependence within reach; and although this path must necessarily pass through Spanish territory, it would enable the government in an emergency to hear from Louisiana within six weeks from the despatch of an order.

In spite of these immense gains, the military situation was still extremely weak. The Indians held in strong force the country west of Sandusky. The boundary between them and the whites was a mere line running from Lake Erie south and west across Ohio, Indiana, and Illinois to the neighborhood of St. Louis. Directly on this boundary line, near Greenville, lived the Shawanese, among whom a warrior named Tecumthe, and his brother called the Prophet were acquiring an influence hostile to the white men. These Indians, jealous of the rapid American encroachments, maintained relations with the British

officials in Canada, and in case of a war between the United States and England they were likely to enter into a British alliance. In this case unless the United States government could control Lake Erie, nothing was more certain than that Detroit and every other post on the Lakes beyond must fall into British hands, and with them the military possession of the whole Northwest. Whether Great Britain could afterward be forced to surrender her conquests remained to be seen.

Even in Kentucky the country between the Tennessee River and the Mississippi still belonged to the Chickasaws; and south of the Tennessee River as far as the Gulf of Mexico, and east to the Ocmulgee, all belonged to Cherokees, Creeks, and Choctaws, who could not boast, like the Chickasaws, that "they had never spilt the blood of a white man." These tribes maintained friendly relations with the Spanish authorities at Mobile and Pensacola, and, like the Shawanese and Northwestern Indians, dreaded the grasping Americans, who were driving them westward. In case of war with Spain, should New Orleans give trouble and invite a Spanish garrison, the Indians might be counted as Spaniards, and the United States government might be required to protect a frontier suddenly thrust back from the Floridas to the Duck River, within thirty miles of Nashville.

The President might well see with relief every new step that brought him within nearer reach of his remote military posts and his proconsular prov-

ince at New Orleans. That he should dread war was natural, for he was responsible for the safety of the settlements on the Indian frontier, and he knew that in case of sudden war the capture of these posts was certain, and the massacre of their occupants more than probable. New Orleans was an immediate and incessant danger, and hardly a spot between New Orleans and Mackinaw was safe.

Anxiety caused by these perils had probably much to do with the bent of the President's mind toward internal improvements and democratic rather than Virginia principles. In 1803 the United States government became owner of a territory which dwarfed the States themselves, and which at its most important point contained a foreign population governed by military methods. Old political theories had been thrown aside both in the purchase and in the organization of this New World; their observance in its administration was impossible. The Louisiana purchase not only required a military system of government for itself, but also reacted on the other national territory, and through it on the States in their relations to Washington. New England was thrown to the verge of the political system; but New York and Pennsylvania, Georgia and Tennessee, Ohio and Kentucky found many new interests which they wanted the central government to assist, and Virginia, holding the power and patronage of the central government, had every inducement to satisfy these demands.

So it happened that Jefferson gave up his Virginia dogmas, and adopted Gallatin's ideas. They were both jealous of the army and navy; but they were willing to spend money with comparative liberality on internal improvements; and the wisdom of this course was evident. Even in a military point of view, roads and canals were more necessary than forts or ships.

The first evidence of change was the proposed fund for internal improvements and war purposes described in the second Inaugural Address. The suggestion was intended to prepare the public for a relaxation of Gallatin's economy. Although the entire debt could not be paid before 1817, only ten and a half millions of bonds remained to be immediately dealt with. By the year 1809 these ten and a half millions would be discharged; and thereafter Gallatin might reduce his annual payments of principal and interest from \$8,000,000 to \$4,500,000, freeing an annual sum of \$3,500,000 for use in other directions. During the next three years Gallatin was anxious to maintain his old system, and especially to preserve peace with foreign nations; but after the year 1808 he promised to relax his severity, and to provide three or four millions for purposes of internal improvement and defence. The rapid increase of revenue helped to create confidence in this calculation, and to hasten decision as to the use of the promised surplus. The President had already decided to convert it into a permanent re-

serve fund. He looked forward to the moment when, as he expressed it, he could "begin upon canals, roads, colleges, etc."¹ He no longer talked of "a wise and frugal government which shall restrain men from injuring one another, which shall leave them otherwise free to regulate their own pursuits of industry and improvement, and shall not take from the mouth of labor the bread it has earned;" he rather proposed to devote a third of the national revenues to improvements and to regulation of industries.

This theory of statesmanship was broader than that which he had proclaimed four years earlier. Jefferson proved the liberality and elevation of his mind; and if he did this at some cost to his consistency, he did only what all men had done whose minds kept pace with the movement of their time. So far as he could see, at the threshold of his second term, he had every reason to hope that it would be more successful than his first. He promised to annihilate opposition; and no serious obstacle seemed in his path. No doubt his concessions to the spirit of nationality, in winning support from moderate Federalists and self-interested democrats, alienated a few State-rights Republicans, and might arouse uneasiness among old friends; but to this Jefferson resigned himself. He parted company with the "mere metaphysical subtleties" of John Randolph. Except in his aversion to military measures and to formal etiquette, he stood

¹ Jefferson to Gallatin, May 29, 1805; Gallatin's Writings,

nearly where President Washington had stood ten years before.

The New England hierarchy might grumble, but at heart Massachusetts was already converted. Only with the utmost difficulty, and at the cost of avoiding every aggressive movement, could the Federalists keep control of their State governments. John Randolph flattered himself that if Jefferson's personal authority were removed from the scale, Virginia would again incline to her old principles ; but he was mistaken. So long as Virginia held power, she was certain to use it. At no time since the Declaration of Independence had the prospects of nationality seemed so promising as in the spring of 1805. With the stride of the last four years as a standard for the future, no man could measure the possible effects of the coming four years in extending the powers of the government and developing the prosperity of the nation. Gallatin already meditated schemes of internal improvements, which included four great thoroughfares across the Alleghanies, while Fulton was nearly ready with the steamboat. The Floridas could not escape the government's grasp. Even New England must at last yield her prejudices to the spirit of democratic nationality.

No one could wonder if Jefferson's head was somewhat turned by the splendors of such a promise. Sanguine by nature, he felt that every day made more secure the grandeur of his destiny. He could scarcely be blamed for putting a high estimate on the value

of his services, for in all modesty he might reasonably ask what name recorded in history would stand higher than his own for qualities of the noblest order in statesmanship. Had he not been first to conceive and to put in practice the theories of future democracy? Had he not succeeded in the experiment? Had he not doubled the national domain? Was not his government a model of republican virtues? With what offence against the highest canons of personal merit could he be charged? What ruler of ancient or modern times, what Trajan or Antonine, what Edward or Louis, was more unselfish or was truer to the interests intrusted to his care? Who had proposed to himself a loftier ideal? Among all the kings and statesmen who swayed the power of empire, where could one be found who had looked so far into the future, and had so boldly grappled with its hopes?

CHAPTER II.

DURING the administrations of Jefferson and Madison, the national government was in the main controlled by ideas and interests peculiar to the region south of the Potomac, and only to be understood from a Southern stand-point. Especially its foreign relations were guided by motives in which the Northern people felt little sympathy. The people of the Northern States seemed almost unwilling to know what the people of the Southern States were thinking or doing in certain directions, and their indifference was particularly marked in regard to Florida. Among the varied forms of Southern ambition, none was so constant in influence as the wish to acquire the Floridas, which at moments decided the action of the government in matters of the utmost interest; yet the Northern public, though complaining of Southern favoritism, neither understood nor cared to study the subject, but turned impatiently away whenever the Floridas were discussed, as though this were a local detail which in no way concerned the North. If Florida failed to interest the North, it exercised the more control over the South, and over a government Southern in character and purpose. Neither

the politics of the Union nor the development of events could be understood without treating Florida as a subject of the first importance. During the summer and autumn of 1805, — a period which John Randolph justly regarded as the turning point of Republican administration, — Florida actually engrossed the attention of government.

On arriving at Madrid, Jan. 2, 1805, Monroe found Charles Pinckney waiting in no happy temper for a decision in regard to himself. Pinckney's recall was then determined upon, and his successor chosen. He was anxious only to escape the last humiliation of being excluded from the new negotiation by Monroe. From this fear he was soon relieved. Monroe shared his views ; allowed him to take part in the conferences, and to put his name to the notes. The two ministers acted in harmony.

Nearly a month was consumed in the necessary preliminaries. Not until Jan. 28, 1805, were matters so far advanced that Monroe could present his first note.¹ Following his instructions, he put forward all the claims which had been so often discussed, — the Spanish and French spoliations ; the losses resulting from suppression of the *entrepôt* at New Orleans in 1802 ; the claim of West Florida, and that to the Rio Bravo. With the note the two envoys enclosed the *projet* of a treaty, — to which could be made only the usual objection to one-sided schemes, that it required

¹ Monroe and Pinckney to Cevallos, Jan. 28, 1805 ; State Papers, ii. 636.

Spain to concede every point, and offered no equivalent worth mention. Spain was to cede both the Floridas, and also Texas as far as the Rio Colorado, leaving the district between the Colorado and the Rio Bravo as a border-land not to be further settled. She was to create a commission for arranging the spoliation and *entrepôt* claims; and this commission should also take cognizance of all claims that might be made by Spanish subjects against the United States government.

To this note and *projet* Don Pedro Cevallos quickly replied.¹ Availing himself of an inadvertent sentence in Monroe's opening paragraph, to the effect that it was necessary to examine impartially the several points at issue in each case, Cevallos informed the Americans that in accordance with their wish he would first examine each point separately, and then proceed to negotiation. He proposed to begin with the claims convention of August, 1802.

Commonly nothing gratified American diplomatists more than to discuss questions which they were ordered to take in charge. Yet the readiness shown by Cevallos to gratify this instinct struck Monroe as a bad sign; he saw danger of lowering the national tone, and even of becoming ridiculous, if he allowed the Spaniards to discuss indefinitely claims which the United States had again and again asserted to be too plain for discussion. He felt too the influ-

¹ Cevallos to Monroe and Pinckney, Jan. 31, 1805; State Papers, ii. 636.

ence of Pinckney, who had never ceased to urge that nothing could be done with the Spanish government except through fear or force. He could not refuse discussion, but he entered into it with the intention of promptly cutting it short.¹

To cut the discussion short was precisely what Cevallos meant should not be done; and a contest began, in which the Spaniard had every advantage. Monroe replied to the Spanish note of January 31 by imposing an ultimatum at once.² "We consider it our duty to inform your Excellency that we cannot consent to any arrangement which does not provide for the whole subject" of the claims, including the French spoliations. "It is in his Majesty's power, by the answer which you give, to fix at once the relations which are to subsist in future between the two nations." Cevallos, leaving the ultimatum and the French spoliations unnoticed, rejoined by discussing the conditions which the King had placed on his consent to ratify the claims convention of 1802.³ Taking up first the Mobile Act, he expressed in strong terms his opinion of it, and of the explanation given to it by the President. Nevertheless, he withdrew his demand that the Act should be annulled. The King's "well-founded motives of complaint in respect to that

¹ Monroe and Pinckney to Madison, May 23, 1805; State Papers, ii. 667.

² Pinckney and Monroe to Cevallos, Feb. 5, 1805; State Papers, ii. 640.

³ Cevallos to Monroe and Pinckney, Feb. 10, 1805; State Papers, ii. 541.

Act still exist," he said, "and his Majesty intends to keep them in mind, that satisfaction may be given by the United States; but as it relates to ratifying the convention of August, 1802, his Majesty agrees from this time to be satisfied in this respect." The question of French spoliations he reserved for separate discussion.

Monroe replied briefly by referring to his ultimatum, and by inviting discussion of the boundary question; but Cevallos, instead of taking up the matter of boundaries in his next note, discussed the French spoliation claims and the right of deposit at New Orleans.¹ To rebut the first, he produced a letter from Talleyrand dated July 27, 1804, in which Napoleon announced that neither Spain nor the United States must touch these claims, under penalty of incurring the Emperor's severe displeasure. In regard to the right of deposit, Cevallos took still stronger ground:—

"The edict of the Intendant of New Orleans, suspending the deposit of American produce in that city, did not interrupt, nor was it the intention to interrupt, the navigation of the Mississippi; consequently these pretended injuries are reduced to this small point,—that for a short time the vessels loaded in the stream instead of taking in their cargoes at the wharves. . . . If the erroneous opinions which were formed in the United States, if the complaints published in the papers of your country, —

¹ Cevallos to Monroe and Pinckney, Feb. 16, 1805; *State Papers*, ii. 643.

as false as they were repeated, — that the navigation of the Mississippi was interrupted, if the virulent writings by which the public mind was heated, and which led to compromit the American government and tarnish the good name of that of Spain, were causes that the inhabitants of the western territory of the United States could not form a correct idea of what passed at New Orleans; and if, in this uncertainty, they were disappointed in the extraction of their produce, or suffered other inconveniences, — they ought to attribute the same to internal causes, such as the writings before mentioned, filled with inflammatory falsehoods, the violence of enthusiastic partisans, and other occurrences which on those occasions served to conceal the truth. The Government of Spain, so far from being responsible for the prejudices occasioned by these errors and erroneous ideas, ought in justice to complain of the irregular conduct pursued by various writers and other individuals in the United States, which was adapted to exasperate and mislead the public opinion, and went to divulge sentiments the most ignominious, and absurdities the most false, against the government of his Majesty and his accredited good faith."

Not satisfied with this rebuttal, Cevallos added that the persons who complained of this trifling inconvenience "had been enjoying the rights of deposit for four years more than was stipulated in the treaty, and this notwithstanding the great prejudice it occasioned to his Majesty's revenue, by making New Orleans the centre of a most scandalous contraband trade, the profits of which it is not improbable but that some of those individuals have in part received."

Finally, he affirmed the Intendant's right to prohibit the deposit.

On receiving this paper, Monroe hesitated whether to break off the negotiation; but quickly came to the decision not to do so. His instructions expressly authorized him to abandon the *entrepôt* claims; while a rupture founded on the French spoliations, in the face of Talleyrand's threats, was rupture with France as well as with Spain, and exceeded his authority. He concluded to go on, although he saw that every new step involved new dangers.

Before Monroe had prepared a reply to the sharp letter on the claims convention, Cevallos wrote again.¹ In this letter, dated February 24, he discussed the West Florida boundary, and contented himself with stating the Spanish case as it stood on the treaties and public evidence. His argument contained no new points, but was evidently intended to lure the Americans into endless discussion. Monroe was obliged to follow where Cevallos led. February 26 he replied to the Spanish note on the claims. Beginning with complaints that Cevallos had not met with directness the American proposals; branching into other complaints that he had renewed propositions which Monroe had already declared incompatible with the rights of the United States; that he had charged the American government with trying to obtain double payment for the same loss, and had branded

¹ Cevallos to Monroe and Pinckney, Feb. 24, 1805; State Papers, ii. 644.

the whole American people as being in league with smugglers; that he had attacked the freedom of the press, and had called the right of deposit a charity of King Charles, — after adding that “it was impossible for us to have received a note which could have been more unexpected,” the two American envoys began to discuss the French spoliation claims, “on the presumption that no premeditated outrage was intended.”¹

After a long argument on the French spoliations, Monroe's note next reached the most delicate point in discussion, — the positive order of Napoleon forbidding recognition of the claims. Treating the order as though it were only an expression of opinions, Monroe said, “We have received them with the consideration which is due to the very respectable authority from which they emanate. On all treaties between independent Powers each party has a right to form its own opinion. Every nation is the guardian of its own honor and rights; and the Emperor is too sensible of what is due to his own glory, and entertains too high a respect for the United States, to wish them to abandon a just sense of what is due to their own.” Appealing finally to the positive orders of his own government, Monroe repeated that on these claims he must insist. Cevallos replied with a disavowal of “premeditated outrage;” and there, March 1, 1805, after Monroe had passed two months

¹ Monroe and Pinckney to Cevallos, Feb. 26, 1805; State Papers, ii. 646.

in Spain, he found himself at his starting-point, at a loss how to go forward or to recede.

Monroe received early in February Talleyrand's letter of Dec. 21, 1804, on the boundary of West Florida;¹ he next suffered the mortification of listening to Talleyrand's order of July 27, 1804, forbidding Spain to "condescend" to pay or even to discuss the French spoliation claims; and from these documents he saw that for nearly a year past the French and Spanish governments had combined to entrap and humiliate him. The fault was his own, for he had received plain, not to say rude, warning; but he was perhaps only the more angry on that account, and in his irritation he undertook to terrify Napoleon. March 1, 1805, under the full consciousness of his situation, he wrote to Armstrong at Paris;² —

"It cannot be doubted that if our Government could be prevailed on to give ground, that of France would be very glad of it, as it would be to take us and all our concerns, especially our funds, under its care. We are inclined to believe, with almost equal confidence, if we are firm, and show that we are not only able but resolved to take care of ourselves, that she will let us do so, and in regard to this question with Spain throw her weight into our scale to promote an adjustment between us on the fair principles insisted on by our Government. To bring her to this, she must clearly understand that the negotiation

¹ Monroe's diary at Aranjuez, March 16, 1805; Monroe MSS.

² Monroe to Armstrong, March 1, 1805; MSS. State Department Archives.

is about to break up without doing anything, and that the failure is entirely owing to the part she has taken against us. When she sees that this is the literal fact, I do not think that her government will expose itself to the consequences resulting from it. It is not prepared to quarrel with us for many reasons : first, as we are a republic, and that system of government too recently overset there, and the one established in its stead too feebly founded, to make it a desirable object with the Emperor ; second, as she relies altogether for supplies on our flag, and on our merchants and people for many other friendly offices in the way of trade, which none others can render ; third, as our government pursues, by prohibiting our trade with St. Domingo, and in many other respects, a system of the most friendly accommodation to the interests of France, she ought not to hazard those advantages if there were no other objections to a rupture with us ; fourth, — but there are other and much stronger objections to it, — we should come to a good understanding with England. . . . These considerations incline us to think that a rupture with us is an event which of all others she least seeks at the present time ; and that it is only necessary to let her see distinctly that one with Spain is on the point of taking place, and will be owing altogether to her support of her pretensions, to induce France to change her policy and tone in the points depending here.”

Pursuing this train of reasoning, Monroe tested its correctness by challenging a direct issue of courage. His letter, thus inspired, reached Paris in due time, and its ideas were pressed by Armstrong on members of the French government. Their answer was prompt and final ; it was instantly reported by Armstrong to

Monroe in a letter¹ so pregnant with meaning that two of its sentences may be said to have decided the fate of Jefferson's second administration : —

“ On the subject of indemnity for the suspended right of deposit (professing to know nothing of the ground on which the interruption had been given) they would offer no opinion. On that of reparation for spoliation committed on our commerce by Frenchmen within the territory of his Catholic Majesty, they were equally prompt and decisive, declaring that our claim, having nothing of solidity in it, must be abandoned.

“ With regard to boundary, we have, they said, already given an opinion, and see no cause to change it. To the question, What would be the course of this government in the event of a rupture between us and Spain? they answered, We can neither doubt nor hesitate, — we must take part with Spain; and our note of the 30th Frimaire [Dec. 21, 1804] was intended to communicate and impress this idea.”

This stern message left Monroe helpless. To escape from Madrid without suffering some personal mortification was his best hope; and fortunately Godoy took no pleasure in personalities. The Spaniard was willing to let Monroe escape as soon as his defeat should be fairly recorded. The month of March had nearly passed before Monroe received Armstrong's letter; meanwhile Cevallos consumed the time in discussing the West Florida boundary. At the end of the month Monroe, fully aware at last

¹ Armstrong to Monroe, March 12 and 18, 1805; State Papers, ii. 636.

of his situation, attempted to force an issue. March 30 he wrote to Cevallos that he was weary of delay:¹

“It neither comports with the object of the present mission nor its duties to continue the negotiation longer than it furnishes a well-founded expectation that the just and friendly policy which produced it, on the part of the United States, is cherished with the same views by his Catholic Majesty.”

Unfortunately he had no excuse for breaking abruptly a negotiation which he had himself invited; and Cevallos meant to give him at that stage no such excuse, for the important question of the Texan boundary remained to be discussed, and Talleyrand's instructions on that point must be placed on record by Spain.

Monroe wrote to Cevallos, April 9, that he considered “the negotiation as essentially terminated by what has already occurred.² . . . Should his Majesty's government think proper to invite another issue, on it will the responsibility rest for the consequences. The United States are not unprepared for, or unequal to, any crisis which may occur.” Three days later he repeated the wish to “withdraw from a situation which, while it compromises the character of our government, cannot be agreeable to ourselves.”³ Cevallos

¹ Pinckney and Monroe to Cevallos, March 30, 1805; State Papers, ii. 657.

² Monroe and Pinckney to Cevallos, April 9, 1805; State Papers, ii. 658.

³ Monroe and Pinckney to Cevallos, April 12, 1805; State Papers, ii. 660.

took no notice of the threats, and contented himself with repelling the idea that the blame of breaking off the negotiation should rest upon him. Nevertheless he hastened to record the opinion of his Government in regard to the last claim of the United States,—the Texan boundary.

Here again Cevallos followed the guidance of Talleyrand. The dividing-line between Louisiana and Texas, he said, ought to be decided by the line between the French and Spanish settlements. The French post of Natchitoches, on the Red River, was distant seven leagues from the Spanish post of Nuestra Señora de los Adaes; and therefore the boundary of Louisiana should run between these two points southward, along the watershed, until it reached the Gulf of Mexico between the Marmentou and the Calcasieu, — a boundary which deprived the United States not only of Texas, but of an important territory afterward included in the State of Louisiana.¹

Eager as Monroe was to close the negotiation, he could not leave this note without reply; and accordingly he consumed another week in preparing more complaints of Cevallos' dilatory conduct, and in proving that Texas was included in the grant made by Louis XIV. to Anthony Crozat in 1712. After disposing of that subject, he again begged for a conclusion. "As every point has been thus fully discussed, we flatter ourselves that we shall now be honored

¹ Cevallos to Pinckney and Monroe, April 13, 1805; State Papers, ii. 660.

with your Excellency's propositions for the arrangement of the whole business."¹ He flattered himself in vain; ten days passed without an answer. May 1, at a private interview, he tried to obtain some promise of action, without better result than the usual obliging Spanish expressions; a week afterward he made another attempt, with the same reply, followed on Monroe's part by an offer to concede even the point of dignity. "Would Señor Cevallos listen to a new and more advantageous offer on the part of the United States?" Cevallos replied that such a step would be premature, as the discussion was not yet ended.² Monroe had no choice but to break through the diplomatic net in which he had wound himself; and at length, May 12, 1805, he sent a general ultimatum to the Spanish government: If Spain would cede the Floridas, ratify the claims convention of August, 1802, and accept the Colorado as the Texan boundary, the United States would establish a neutral territory a hundred miles wide on the eastern bank of the Colorado, from the Gulf to the northern boundary of Louisiana; would assume the French spoliation claims, abandon the *entrepôt* claims, and accept the cession of West Florida from the King, thereby abandoning the claim that it was a part of Louisiana.³

¹ Monroe and Pinckney to Cevallos, April 20, 1805; State Papers, ii. 662.

² Monroe and Pinckney to Madison, 23 May, 1805; State Papers, ii. 668.

³ Pinckney and Monroe to Cevallos, May 12, 1805; State Papers, ii. 665.

To this note Cevallos replied three days afterward by a courteous but decided letter, objecting in various respects to Monroe's offers, and summing up his objections in the comment that this scheme required Spain to concede everything and receive nothing; she must give up both the Floridas, half of Texas, and the claims convention, while she obtained as an equivalent for these concessions only an abandonment of claims which she did not acknowledge:¹—

“The justice of the American government will not permit it to insist on propositions so totally to the disadvantage of Spain; and however anxious his Majesty may be to please the United States, he cannot on his part assent to them, nor can he do less than consider them as little conformable to the rights of his Crown.”

Three days later Monroe demanded his passports. For once, Cevallos showed as much promptness as Monroe could have desired. Without expressing a regret, or showing so much as a complimentary wish to continue the negotiation, Cevallos sent the passports, appointed the very next day for Monroe's audience of leave, and bowed the American envoy out of Spain with an alacrity which contrasted strongly with the delays that had hitherto wasted five months of time most precious to the American minister at the Court of St. James. In truth, the Prince of Peace had no longer an object to gain

¹ Cevallos to Monroe and Pinckney, May 15, 1805; *State Papers*, ii. 666.

by detaining Monroe; he had won every advantage which could be wrung from the situation, except that of proving the defeat of the United States by publishing it to the world. For this, he could trust Monroe.

After writing an angry letter to the French ambassador at Madrid, Monroe went his way, May 26, leaving Pinckney to maintain the forms of diplomatic relations with the Spanish government. Pinckney had still more to suffer before escaping from the scene of his diplomatic trials. The Spaniards began to plunder American commerce; the spoliations of 1798 were renewed; the garrisons in West Florida and Texas were reinforced; Cevallos paid no attention to complaints or threats. In October Pinckney took leave and returned to America, and George W. Erving was sent from London to take charge of the legation at Madrid. Erving made an excellent representative within the narrow field of action open to him as a mere *chargé d'affaires*; but he could do little to stem the current of Spanish desperation. The Prince of Peace, driven by France, England, and America nearer and nearer to the precipice that yawned for the destruction of Spain, was willing to see the world embroiled, in the hope of finding some last chance in his favor. When Erving in December, five months after Monroe's departure, went to remonstrate against seizures of American ships in flagrant violation of the treaty of 1795, Godoy received him with the good-natured courtesy which marked his

manners. "How go our affairs?" he asked; "are we to have peace or war?" Erving called his attention to the late seizures. The Prince replied that it was impossible for Spain to allow American vessels to carry English property. "But we have a treaty which secures us that right," replied Erving. "Certainly, I know you have a treaty, for I made it with Mr. Pinckney," rejoined Godoy; and he went on with entire frankness to announce that the "free-goods" provision of that treaty would no longer be respected. Then he continued, with laughable coolness, —

"You may choose either peace or war. 'Tis the same thing to me. I will tell you candidly, that if you will go to war this certainly is the moment, and you may take our possessions from us. I advise you to go to war now, if you think that is best for you; and then the peace which will be made in Europe will leave us two at war."¹

Defiance could go no further. Elsewhere the Prince openly said that the United States had brought things to such a point as to leave Spain indifferent to the consequences. In war the President could only seize Florida; and Florida was the price he asked for remaining at peace. Mexico and Cuba were beyond his reach. Meanwhile Spain not only saved the money due for the old claims, but plundered American commerce, and still preserved her title to the Floridas and Texas, — a title which, at least as con-

¹ Erving to Madison, Dec. 7. 1805; MSS. State Department Archives.

cerned the Floridas, the Americans must sooner or later extinguish.

Such was the result of the President's diplomacy in respect to Spain. War was its only natural outcome, — war with Spain; war with Napoleon, who must make common cause with King Charles; coalition with England; general recurrence to the ideas and precedents of the last Administration. Jefferson had exasperated Spain and irritated France. He must next decide whether this policy should be pursued to its natural result.

Meanwhile Monroe returned to Paris, where he passed six weeks with Armstrong and with his French acquaintances in conference on the proper course to be pursued. Talleyrand was absent in Italy with the Emperor, who May 26 received at Milan the iron crown of the Lombard kings. That Napoleon was the real element of danger was clear to both envoys. A policy which should force France to interfere on behalf of the United States was their object; and on this, as on many points, Armstrong's ideas were more definite than those of Monroe, Madison, or Jefferson. Even before Monroe left Madrid, he received a letter from Armstrong in which the outline of a decisive plan was sketched:—

“ It is simply to take a strong and prompt possession of the northern bank of the Rio Bravo, leaving the eastern limit *in statu quo*. A stroke of this kind would at once bring Spain to reason, and France to her rescue, and without giving either room to quarrel. You might

then negotiate, and shape the bargain pretty much as you pleased.”¹

Evidently the seizure of Texas, leaving West Florida untouched, was the only step which the President could properly take; for Texas had been bought and paid for, whereas West Florida beyond doubt had never been bought at all. Armstrong saw the weak point of Napoleon's position, and wished to attack it. He had no trouble in bringing Monroe to the same conclusion, although in yielding to his arguments Monroe tacitly abandoned the ground he had been persuaded by Livingston to take two years before, that West Florida belonged to Louisiana.

“There is no shade of difference in our opinions,” wrote Armstrong to Madison after Monroe's arrival at Paris,² “and so little in the course to be pursued with regard to Spain that it is scarcely worth noticing. The whole may be reduced to this: that instead of assailing the Spanish posts in West Florida, or even indicating an intention to do so, I would (from motives growing more particularly out of the character of the Emperor) restrict the operations to such as may have been established in Louisiana. This, with some degree of demonstration that we meditate an embargo on our commercial intercourse with Spain and her colonies, would compel this government to interpose promptly and efficiently, and with dispositions to prevent the quarrel from going further.”

¹ Armstrong to Monroe, May 4, 1805; MSS. State Department Archives.

² Armstrong to Madison, July 3, 1805; MSS. State Department Archives.

Throughout these Spanish negotiations ran a mysterious note of corruption which probably came not from Cevallos, Godoy, or King Charles; for Spain was always the party to suffer, and France was always the party to profit by Spanish sacrifices. That the jobbery had its origin in Napoleon was improbable, for he too suffered from it. Neither Napoleon nor Godoy was open to bribery in such a sense; they were so high in power that small pecuniary motives had no influence on their acts. Yet the Treasuries both of France and Spain were in trouble, and were seeking resources. That Talleyrand had private motives for conniving in their expedients cannot be proved; but in 1805, as in 1798, every attempt to turn negotiation into a job came from Talleyrand's intimate circle, the subordinates of the French Foreign Office.¹ In June, Monroe found at Paris the same hints at the influence of money which had irritated him in the preceding autumn; and he wrote to Madison in a tone which showed that he gave them weight.

"I have conferred much," he said,² "with the gentleman alluded to in my letter from Bordeaux of December 16, and from what I can gather am led to believe that France has withheld her opinion on the western limits [Texas], to favor our pretensions when she thinks proper to take a part in it; that she does not think it proper so to do in the present stage, or until our Government acts

¹ Cf. *Correspondance de Napoleon*, xxxii. 321.

² Monroe to Madison, June 30, 1805; MSS. State Department Archives.

so as to make Spain apply to her. He thinks she will then act; and settling the Spanish spoliation business as by the treaty of 1802, and getting all that can be got for Florida (he says eight millions of dollars are expected), promote an adjustment."

If Jefferson's administration cared to commit an error of colossal proportions, it had but to follow the hints of these irresponsible agents of Marbois and Talleyrand, who presumed to say in advance what motives would decide the mind of Napoleon. No man in France—neither Talleyrand nor Berthier, nor even Duroc—knew the scope of the Emperor's ambition, or could foretell the expedients he would use or reject. Monroe's friend was ill-informed, or deceived him. France had not withheld her opinion on the western limits; on the contrary, her opinion had been exactly followed by Spain. Not Talleyrand, much less Napoleon, but Cevallos himself had withheld that opinion from Monroe's knowledge, doubtless because he wished to keep a weapon in reserve for use at close quarters if his antagonist should come so near. Had Monroe not been discomfited before Cevallos exhausted his arsenal, this weapon would certainly have been used for a final blow. Cevallos still held it in reserve.

Leaving the Spanish affair embroiled beyond disentanglement, Monroe recrossed the Channel, and July 23 found himself again in London. During a century of American diplomatic history a minister of the United States has seldom if ever within six months

suffered, at two great Courts, such contemptuous treatment as had then fallen to Monroe's lot. That he should have been mortified and anxious for escape was natural. He returned to England, meaning to sail as quickly as possible for America. "It was very much my wish," he wrote.¹ Hoping to sail at latest by November 1, he selected his ship, and gave notice to the British Foreign Office. In his own interests no step could have been wiser, but it was taken too late; the time lost in Spain and at Paris had been fatal to his plan, and he could no longer avoid another defeat more serious, and even more public, than the two which had already disturbed his temper.

That the American minister in London at any time should for six months leave his post, even in obedience to instructions, was surprising; but that he should have done this in 1804, after Pitt's return to power, was matter of amazement. Monroe expected an unfriendly change of policy in the British government. As early as June, 1804, he wrote to Madison: "My most earnest advice is to look to the possibility of such a change."² Four months later, although the attitude of the British ministry had become more threatening, Monroe started for Madrid, leaving Pitt in peace, unwatched, to take his measures and to fix beyond recall his change of policy. July 23, 1805, when the American minister at last returned from his Spanish journey and arrived

¹ Monroe to Madison, Oct. 18, 1805 ; State Papers, iii. 106.

² Monroe to Madison, June 3, 1805 ; State Papers, iii. 93.

in London, after some weeks lost at Paris, he found a state of affairs such as might have alarmed the most phlegmatic of men.

Pitt had made good use of Monroe's absence. During the winter of 1804-1805 Parliament passed several Acts tending to draw all the West Indian commerce into British hands. Throughout the West Indies free ports were thrown open to the enemy's vessels, which were encouraged to bring there the produce of their colonies, receiving British merchandise in return, while the Act further provided for the importation of this enemy's produce into Great Britain in British ships. Other Acts and Orders extended the system of licenses, by which British subjects were allowed to trade with their enemies in neutral vessels, and concluded by requiring that all their trade with the French islands should be carried on through the free ports alone.¹

These measures were intended to force the trade of the French and Spanish colonies into a British channel; but all were secondary to a direct attack on American commerce. While Parliament and Council devised the legislation and rules necessary for taking charge of the commerce of Cuba, Martinique, and the other hostile colonies, the Lords of Appeals were engaged in providing the law necessary for depriving America of the same trade. July 23, 1805, Sir William Scott pronounced judgment in the case

¹ Act of April 10, 1805; Instructions of June 29, 1805; Orders of Aug. 3, 1805.

of the "Essex." Setting aside his ruling in the case of the "Polly,"¹ he held that the neutral cargo which came from Martinique to Charleston, and thence to London, was good prize unless the neutral owner could prove, by something more than the evidence of a custom-house entry, that his original intention had been to terminate the voyage in an American port. In consequence of this decision, within a few weeks American ships by scores were seized without warning; neutral insurance was doubled; and the British merchantmen vied with the royal navy in applauding the energy of William Pitt.

Of the decision as a matter of morality something might be said. That Pitt should have planned such a scheme was not surprising, for his moral sense had been blunted by the desperation of his political struggle; but the same excuse did not apply to Sir William Scott. The quarrel between law and history is old, and its source lies deep. Perhaps no good historian was ever a good lawyer: whether any good lawyer could be a good historian might be equally doubted. The lawyer is required to give facts the mould of a theory; the historian need only state facts in their sequence. In law Sir William Scott was considered as one of the greatest judges that ever sat on the English bench, a man of the highest personal honor, sensitive to any imputation on his judicial independence, — a lawyer in whom the whole profession took pride. In history he made himself and his court a

¹ See First Administration, ii. 400.

secret instrument for carrying out an act of piracy. The law defends him by throwing responsibility upon the political chiefs who were bound to make compensation to the plundered merchants if compensation was due. The judge's duty began and ended by declaring what was law. Experience had proved that the evidence previously required to convince the court of a certain fact was insufficient. The judge said this, and no more. History replies that whatever may be the strictly professional aspect of this famous judgment, in its nature it was a political act, and was known by the judge to be such. As a political measure its character was equivalent to a declaration of war, and did not materially differ from the more violent seizure of the Spanish treasure-ships by Pitt's order in the previous October. The lawyers justified that seizure also; the King's Advocate defended it in the House of Commons by the simple explanation that England was not in the habit of declaring war, but usually began hostilities by some act of force.¹ Lord Grenville, whom Pitt had entreated, only a few months before, to join the new ministry, and who was certainly considered as, next to Pitt himself, the highest political authority in England, was not deterred by this reasoning from denouncing the seizure of the Spanish galleons as an atrocious act of barbarity, contrary to all the law of nations, which stamped indelible infamy on the English name.

¹ Speech of Sir John Nicholl (Advocate-General), Feb. 11, 1805; Cobbett's Debates, iii. 407.

Lord Grey, another high authority, stigmatized it as combining violence, injustice, and bad faith. The seizure of the American ships was an act different in its nature only in so far as Sir William Scott condescended to throw over it in advance the ermine that he wore.

Monroe reached London on the very day when Sir William Scott pronounced his fatal decision in the case of the "Essex." Lord Harrowby no longer presided over the Foreign Office; he had taken another position, making way for Lord Mulgrave. The new Foreign Secretary was, like most of Pitt's ministers in 1805, a Tory gentleman of moderate abilities. Except as a friend of Pitt he was unknown. His character and opinions seemed wholly without importance. To Lord Mulgrave, Monroe addressed himself; and he found the Foreign Secretary as ready to discuss, and as slow to concede, as Don Pedro Cevallos had ever been.¹ "He assured me in the most explicit terms that nothing was more remote from the views of his Government than to take an unfriendly attitude toward the United States; he assured me also that no new orders had been issued, and that his Government was disposed to do everything in its power to arrange this and the other points to our satisfaction." Yet when Monroe called his attention to the seizure of a score of American vessels in the Channel, by British naval officers who declared themselves to be acting by order, Lord Mulgrave

¹ Monroe to Madison, Aug. 16, 1805; State Papers, iii. 103.

quietly replied that the Rule of 1756 was good law, and that his Government did not mean to relax in the slightest degree from the rigor of Sir William Scott's decision.¹

Monroe had felt the indifference or contempt of Lord Harrowby, Talleyrand, and Cevallos: that of Lord Mulgrave was but one more variety of a wide experience. The rough treatment of Monroe by the Englishman was a repetition of that which he had accepted or challenged at the hands of the Frenchman and Spaniard. Lord Mulgrave showed no wish to trouble himself in any way about the United States. He would not discuss the questions of impressment and commerce; and his only sign of caring to explain or excuse the measures of his Government was in regard to Captain Bradley of the "Cambrian," who had been recalled from the American station for violations of neutrality. Monroe complained that Bradley had since been given a ship of the line. Mulgrave explained that the command of a line-of-battle ship was not necessarily a promotion, especially to an active officer accustomed to the independence and prize-money of the "Cambrian's" cruising ground.

With this result Monroe's diplomatic activity for the year 1804-1805 came to an end. The only conclusion he drew from it was one which Jefferson seemed little likely to adopt. He urged his Government to persevere in its course, and to threaten war

¹ Monroe to Madison, Aug. 20, 1805; State Papers, iii. 105.

upon France, Spain, and England at once.¹ "We probably shall never be able to settle our concerns with either Power without pushing our just claims on each with the greatest decision. . . . I am strong in the opinion that a pressure on each at the same time would produce a good effect with the other."

Nevertheless, Monroe had not yet reached the bottom of his English disaster. Neither the Acts of Parliament, the Orders in Council, nor the Judgment of the Lords of Appeal satisfied the suffering interests of England, however harsh they might seem to the interests of America. The new rules, the extension of licenses, the opening of free ports, tended to please the navy and shipping interests, but left the British colonists in a worse position than before; for as matters stood the whole produce of the West Indian Islands, French, Spanish, and British, was to be collected in a single mass and thrown on the London market. The warehouses on the Thames were to be overfilled with sugar, on the chance that neutral ships might convey it to France. For five years the colonists had insisted that their distress was due to excess in production; but how could they check production when the French and Spanish islands were encouraged to produce? Forgetting in their despair the attachment they felt to America, the colonists attributed all their troubles to American competition. The East

¹ Monroe to Madison, Oct. 18, 1805; State Papers, iii. 106. Monroe to Colonel Taylor, Sept. 10, 1810; Monroe MSS., State Department Archives.

India Company, whose warehouses were also loaded with unsalable goods, could discover no better reason than the same neutral rivalry for the cessation of Continental demand. The shipowners, not yet satisfied by Sir William Scott's law, echoed the same cry. All the interested classes of England, except the manufacturers and merchants who were concerned in commerce with the United States, agreed in calling upon government to crush out the neutral trade. Sir William Scott had merely required an additional proof of its honesty; England with one voice demanded that, honest or not, it should be stopped.

This almost universal prayer found expression in a famous pamphlet that has rarely had an equal for ability and effect. In October, 1805, three months after the "Essex" decision, while Monroe was advising Madison to press harder than ever on all the great belligerent Powers, appeared in London a book of more than two hundred pages, with the title: "War in Disguise; or, the Frauds of the Neutral Flags." The author was James Stephen, a man not less remarkable for his own qualities than for those which two generations of descendants have inherited from him; but these abilities, though elevating him immensely above the herd of writers who in England bespattered America with abuse, and in America befouled England, were yet of a character so peculiar as to bar his path to the highest distinction. James Stephen was a high-minded fanatic, passion-

ately convinced of the truths he proclaimed. Two years after writing "War in Disguise," he published another pamphlet, maintaining that the Napoleonic wars were a divine chastisement of England for her tolerance of the slave-trade; and this curious thesis he argued through twenty pages of close reasoning.¹ Through life a vehement enemy of slavery, at a time when England rang with abuse of America, which he had done much to stimulate, he had the honesty and courage to hold America up as an example before Europe, and to assert that in abolishing the slave-trade she had done an act for which it was impossible to refuse her the esteem of England, and in consequence of which he prayed that harmony between the two countries might be settled on the firmest foundation.

This insular and honest dogmatism, characteristic of many robust minds, Stephen carried into the question of neutral trade. He had himself begun his career in the West Indies, and in the prize-court at St. Kitt's had learned the secrets of neutral commerce. Deeply impressed with the injury which this trade caused to England, he believed himself bound to point out the evil and the remedy to the British public. Assuming at the outset that the Rule of 1756 was a settled principle of law, he next assumed that the greater part of the neutral trade was not neutral at all, but was a fraudulent business, in which French or Spanish property, carried in French or

¹ New Reasons for abolishing the Slave-Trade, 1807.

Spanish ships, was by means of systematic perjury protected by the prostituted American flag.

How much of this charge was true will never be certainly known. Stephen could not prove his assertions. The American merchants stoutly denied them. Alexander Baring, better informed than Stephen and far less prejudiced, affirmed that the charge was untrue, and that if the facts could be learned, more British than enemy's property would be found afloat under the American flag. Perhaps this assertion was the more annoying of the two; but to prove either the one or the other was needless, since from such premises Stephen was able to draw a number of startling conclusions which an English public stood ready to accept. The most serious of these was the certain ruin of England from the seduction of her seamen into this fraudulent service; another was the inevitable decay of her merchant marine; still another pointed to the loss of the Continental market; and he heightened the effect of all these evils by adding a picture of the British admiral in the decline of life raised to the peerage for his illustrious actions, and enjoying a pension from the national bounty, but still unable to spend so much money as became an English peer, because his Government had denied to him the "safe booty" of the neutral trade!¹ Humor was not Stephen's strongest quality, or he never would have caricatured the British mind so coarsely; but coarse as the drawing might be, England was

¹ War in Disguise, pp. 131-133.

not conscious of the caricature. Cobbett alone could have done justice to the pecuniary sanctity of the British peerage; but on this point humor was lost to the world, for Cobbett and Stephen were in accord.

Thus a conviction was established in England that the American trade was a fraud which must soon bring Great Britain to ruin, and that the Americans who carried on this commerce were carrying on a "war in disguise" for the purpose of rescuing France and Spain from the pressure of the British navy. The conclusion was inevitable. "Enforce the Rule of 1756!" cried Stephen; "cut off the neutral trade altogether!" This policy, which went far beyond the measures of Pitt and the decision of Sir William Scott, was urged by Stephen with great force; while he begged the Americans, in temperate and reasonable language, not to make war for the protection of so gross a fraud. Other writers used no such self-restraint. The austere and almost religious conviction of Stephen could maintain itself at a height where no personal animosity toward America mingled its bitterness with his denunciations; but his followers, less accustomed than he to looking for motives in their Bibles, said simply that the moment for going to war with the United States had come, and that the opportunity should be seized.¹

¹ Bosanquet, *Causes of the Depreciation*, etc. p. 42.

CHAPTER III.

THE Eighth Congress had hardly expired, March 3, 1805, amid the confusion and ill-temper which followed the failure of impeachment, when President Jefferson and Secretary Madison began to hear the first mutterings of European disaster. Talleyrand's letter to Armstrong, Dec. 21, 1804, arrived with its blunt announcement that Napoleon meant to oppose every step of Monroe's negotiation at Madrid, and with its declaration that West Florida had not been included in the retrocession of Louisiana to France, but had been refused to France by King Charles. Jefferson was then at Monticello, and thither the documents from Paris followed him. He wrote to Madison that Monroe's case was desperate.

"I consider," said the President,¹ "that we may anticipate the effect of his mission. On its failure as to the main object, I wish he may settle the right of navigating the Mobile, as everything else may await further peaceable proceedings; but even then we shall have a difficult question to decide,—to wit, whether we will let the present crisis in Europe pass away without a settlement."

¹ Jefferson to Madison, March 23, 1805; Madison MSS.

This letter showed that as early as the month of March, 1805, the President foresaw Monroe's disasters, and began to speculate upon the next step to be taken. The attempt to obtain Florida through Spanish fears had failed; but his first impression was that everything might go on as before, if the Spaniards would consent to a free navigation of the Mobile. Madison was still more vague; his first impulse was to retrace his steps. He wrote to the President a singular letter of contradictions.

“I cannot entirely despair,” said he, March 27,¹ “that Spain, notwithstanding the support given by France to her claim to West Florida, may yield to our proposed arrangement, partly from its intrinsic value to her, partly from an apprehension of the interference of Great Britain; and that this latter consideration may, as soon as France despairs of her pecuniary object, transfer her weight into our scale. If she [France] should persist in disavowing her right to sell West Florida to the United States, and above all can prove it to have been the mutual understanding with Spain that West Florida was no part of Louisiana, it will place our claim on very different ground, — such probably as would not be approved by the world, and such certainly as would not with that approbation be maintained by force. If our right be good against Spain at all, it must be supported by those rigid maxims of technical law which have little weight in national questions generally, and none at all when opposed to the principles of universal equity. The world would decide that France having sold us the territory of

¹ Madison to Jefferson, March 27, 1805; Jefferson MSS.

a third party, which she had no right to sell, that party having even remonstrated against the whole transaction, the right of the United States was limited to a demand on France to procure and convey the territory, or to remit *pro tanto* the price, or to dissolve the bargain altogether."

For eighteen months every French and Spanish agent in Washington, Paris, and Madrid had assured Madison, in language varying between remonstrance and insult, that Spain had not ceded West Florida to France; the records of the State Department proved that France had asked for West Florida and had been refused; Jefferson had not ventured to record a claim to West Florida when he received possession of Louisiana, and had been obliged to explain, in language which Gallatin and Randolph thought unsatisfactory, the words of the Mobile Act. In spite of this, Madison committed himself and government to the claim that West Florida was a part of Louisiana; he pressed that claim, not against France, but against Spain; he brought Monroe to a rupture with the Spanish government on that issue, — yet with these recollections fresh in his mind, he suddenly told Jefferson that if France could prove a matter of common notoriety, the world would decide that the United States had acted without regard to law or equity, while in any case the claim to West Florida as against Spain was a mistake.

That Madison should have followed a train of reasoning so singular, was less surprising than that he

should have advanced so far without showing a sign that he was prepared for the next step. Knowing as early as March, 1805, that his plans were defeated, and that he might expect a repulse from Spain and France, he selected a new minister to succeed Pinckney at Madrid. This diplomatist, whose career was to be as futile if not as noisy as that of his predecessor from South Carolina, was James Bowdoin of Massachusetts, son of a celebrated governor of that State. Jefferson wrote privately to him, April 27, announcing the appointment; and the tone of the letter implied that in the month's interval since the arrival of Talleyrand's manifesto the President's pacific views had suffered a change.

“Our relations with that nation are vitally interesting,” he wrote.¹ “That they should be of a peaceable and friendly character has been our most earnest desire. Had Spain met us with the same disposition, our idea was that her existence on this hemisphere and ours should have rested on the same bottom, should have swum or sunk together. We want nothing of hers, and we want no other nation to possess what is hers; but she has met our advances with jealousy, secret malice, and ill-faith. Our patience under this unworthy return of disposition is now on its last trial, and the issue of what is now depending between us will decide whether our relations with her are to be sincerely friendly or permanently hostile. I still wish, and would cherish, the former, but have ceased to expect it.”

¹ Jefferson's Writings (Ford), viii. 350.

Jefferson had the faculty, peculiar to certain temperaments, of seeing what he wished to see, and of believing what he willed to believe. Few other Americans could have seriously talked of the Spanish empire in America as swimming or sinking with that of the United States; but Jefferson, for the moment, thought that the earthen pot of Spanish dominion could trust itself to float safely under charge of the iron energy of American democracy. He could gravely say in regard to Spain, "we want nothing of hers," when for eighteen months he had exhausted every resource, short of force, to gain Baton Rouge, Mobile, and Pensacola, not to speak of East Florida and Texas. He charged that Spain met his advances with jealousy, secret malice, and ill-faith, after his ministers had intrigued with Napoleon for nearly two years, in the constant hope of depriving her of her property. Dec. 13, 1804, he wrote to General Heath: "With Spain we shall always be bickering, but never at war till we seek it;"¹ and six months later he wrote to Bowdoin that her secret malice and ill faith were leading to permanently hostile relations. He had not much further to go; for if he meant to maintain his authority among rulers, the war that would never come till he sought it must be sought.

As Monroe's overthrow became more and more evident, the President grew uneasy, and turned restlessly from one device to another. In the first days of August Monroe's despatches arrived, announcing

¹ See p. 8. '

that he had left Madrid, and that all his offers had been rejected by Spain. Madison was in Philadelphia, where his wife was detained by a long and troublesome lameness. The President was at Monticello. A brisk interchange of letters took place, marking from day to day the fluctuations of feeling peculiar to the characters of the two men. One question alone was to be decided, — should they seize this moment to break with Napoleon?

Madison's first reflections reached no result. He shrank from admitting that the government stood between war and humiliation more dangerous than war.

"The business at Madrid," he said, August 2,¹ "has had an awkward termination, and if nothing, as may be expected, particularly in the absence of the Emperor, should alleviate it at Paris, involves some serious questions. After the parade of a mission extraordinary, a refusal of all our overtures in a haughty tone without any offer of other terms, and a perseverance in withdrawing a stipulated provision for claims admitted to be just, without *ex post facto* conditions manifestly unreasonable and inadmissible, form a strong appeal to the honor and sensibility of this country."

The conclusion drawn from this somewhat mild review was not such as Monroe, Armstrong, or Livingston had recommended.

"I find that, as was apprehended from the tenor of former communications," continued the secretary, "the military *status quo* in the controverted districts, the navi-

¹ Madison to Jefferson, Aug. 2, 1805; Jefferson MSS.

gation of the rivers running through West Florida, and the spoliations subsequent to the convention of 1802 have never had a place in the discussions. Bowdoin may perhaps be instructed, consistently with what has passed, to propose a suspension of the territorial questions, the deposit, and the French spoliations, on condition that those points be yielded, with an incorporation of the convention of 1802 with a provision for subsequent claims. This is the utmost within the Executive purview. If this experiment should fail, the question with the Legislature must be whether or not resort is to be had to force, to what extent, and in what mode. Perhaps the instructions to Bowdoin would be improved by including the idea of transferring the sequel of business hither. This would have the appearance of an advance on the part of Spain, the more so as it would be attended with a new mission to this country, and would be most convenient for us also, if not made by Spain a pretext for delay."

Madison, after enduring one "refusal of all our overtures in a haughty tone," suggested that another be invited. The slightly patronizing air which characterized Jefferson's attitude toward Madison, but which he never betrayed toward Gallatin, was explained by this want of directness in Madison's nature, and by the habitual slowness of his decisions. The action suggested by Madison threw the control of events into the hands of France. This at least was the opinion of Jefferson, whose mind was wrought by the news from Pinckney to a state of steadily growing alarm.

“I think the *status quo*, if not already proposed, should be immediately offered through Bowdoin,” wrote Jefferson, August 4, before receiving Madison’s letter of August 2.¹ “Should it even be refused, the refusal to settle a limit is not of itself a sufficient cause of war, nor is the withholding a ratification worthy of such a redress. Yet these acts show a purpose, both in Spain and France, against which we ought to provide before the conclusion of a peace. I think, therefore, we should take into consideration whether we ought not immediately to propose to England an eventual treaty of alliance, to come into force whenever (within — years) a war shall take place with Spain or France.”

Three days later he wrote again, and his alarm had increased:² —

“The papers now enclosed to you confirm me in the opinion of the expediency of a treaty with England, but make the offer of the *status quo* [to Spain] more doubtful; the correspondence will probably throw light on that question. From the papers already received I infer a confident reliance on the part of Spain on the omnipotence of Bonaparte, but a desire of procrastination till peace in Europe shall leave us without an ally.”

Ten days more passed; the whole mortification became evident; the President’s anger and alarm rose to feverishness.³ He wrote to Madison, August 17, —

“I am anxious to receive opinions respecting our procedure with Spain, as should negotiations with England

¹ Jefferson’s Writings (Ford), viii. 374.

² Jefferson to Madison, Aug. 7, 1805 ; Works, iv. 583.

³ Jefferson to Madison, Aug. 17, 1805 ; Jefferson MSS.

be advisable they should not be postponed a day unnecessarily, that we may lay their result before Congress before they rise next spring. Were the question only about the bounds of Louisiana, I should be for delay. Were it only for spoliations, just as this is as a cause of war, we might consider if no other expedient were more eligible for us. But I do not view peace as within our choice. I consider the cavalier conduct of Spain as evidence that France is to settle with us for her, — and the language of France confirms it, — and that if she can keep us insulated till peace, she means to enforce by arms her will, to which she foresees we will not truckle, and therefore does not venture on the mandate now. We should not permit ourselves to be found off our guard and friendless.”

The President’s plan presented difficulties which Madison could not fail to see. That Jefferson should wish Pitt to fight the battles of the United States was natural; but Pitt was little in the habit of doing gratuitous favors, and might reasonably ask what price he was to receive for conquering the Floridas and Texas for the United States. Madison’s comments on the President’s proposed British treaty pointed out this objection. Madison agreed that the Executive should take provisional measures, on which Congress might act.¹ “An eventual alliance with Great Britain, if attainable from her without inadmissible conditions, would be for us the best of all possible measures; but I do not see the least chance of laying her under obligations to be called

¹ Madison to Jefferson, Aug. 20, 1805; Jefferson MSS.

into force at our will without correspondent obligations on our part." Objection to the President's plan was easy; but when the secretary came to a plan of his own, he could suggest nothing more vigorous than to renew a moderate degree of coquetry with Merry, which would have the side advantage of alarming France and Spain, "from whom the growing communication with Great Britain would not be concealed."

Such a weapon was no doubt as effective against Napoleon as heelless slippers against Pitt; but the President thought the situation to have passed beyond such tactics. Madison's proposed coquetry with Merry met with less favor in Jefferson's eyes than his own proposed one-sided alliance with England had met in the eyes of Madison. Upon a treaty of alliance with England the President was for the moment bent, and he met Madison's objections by arguments that showed lively traits of the writer's sanguine temper. He complained that Madison had misconceived the nature of the proposed British treaty. England should stipulate not to make peace without securing West Florida and the spoliation claims to America, while American co-operation in the war would be sufficient inducement to her for making this contract.¹

"Another motive much more powerful would indubitably induce England to go much further. Whatever ill humor may at times have been expressed against us

¹ Jefferson to Madison, Aug. 27, 1805; Works iv. 585.

by individuals of that country, the first wish of every Englishman's heart is to see us once more fighting by their sides against France; nor could the King or his ministers do an act so popular as to enter into an alliance with us. The nation would not weigh the consideration by grains and scruples; they would consider it as the price and pledge of an indissoluble friendship. I think it possible that for such a provisional treaty they would give us their general guaranty of Louisiana and the Floridas. At any rate we might try them; a failure would not make our situation worse. If such a one could be obtained, we might await our own convenience for calling up the *casus fœderis*. I think it important that England should receive an overture as early as possible, as it might prevent her listening to terms of peace."

If Jefferson was right in thinking that every Englishman's heart yearned toward America, he was unfortunate in delaying his offer of indissoluble friendship until the moment when Sir William Scott delivered his opinion in the case of the "Essex." Madison's scheme was equally unpromising, because he had made a personal enemy of Merry, on whom the success of Madison's tactics depended. Each of the two high authorities felt the weakness of the other, and the secretary even went so far as to hint, in courteous language, that the President's idea was unpractical:—

"The more I reflect on the papers from Madrid, the more I feel the value of some eventual security for the active friendship of Great Britain, but the more I see at

the same time the difficulty of obtaining it without a like security to her of ours. If she is to be *bound*, we must be *so too*, either to the same thing, — that is to join her in the war, — or to do what she will accept as equivalent to such an obligation. What can we offer to her? A mutual guaranty, unless so shaped as to involve us pretty certainly in her war, would not be satisfactory. To offer commercial regulations or concessions on points in the law of nations as a certain payment for aids which might never be received or required, would be a bargain liable to obvious objections of the most serious kind. Unless, therefore, some arrangement which has not occurred to me can be devised, I see no other course than such an one as is suggested in my last letter.”¹

In this state of things, the remaining members of the Cabinet were asked for their opinions; and in the course of a few days the President received written papers from Gallatin and Robert Smith. Gallatin was annoyed at the results of Jefferson’s diplomacy. Emphatically a Northern man, he cared little for Florida; and a war with Spain would have been in his eyes a Southern war. He made no concealment of his opinion that the whole negotiation rested on a blunder; and he told Madison as much, with a bluntness which the secretary could scarcely have relished.

“The demands from Spain were too hard,” said he,² “to have expected, even independent of French inter-

¹ Madison to Jefferson, Sept. 1, 1805; Jefferson MSS.

² Gallatin to Madison, Aug. 6, 1805; Gallatin’s Writings, i. 237.

ference, any success from the negotiation. It could only be hoped that the tone assumed by our negotiators might not be such as to render a relinquishment or suspension of some of our claims productive of some loss of reputation. If we are safe on that ground, it may be eligible to wait for a better opportunity before we again run the risk of lowering the national importance by pretensions which our strength may not at this moment permit us to support. If from the manner in which the negotiation has been conducted that effect has already been produced, how to save character without endangering peace will be a serious and difficult question."

These words were written before he had seen Monroe's despatches. When the whole correspondence was put into his hands he read it, and in returning it to Madison made the dry comment that the business had not ended quite so badly as he had previously supposed.¹ The phrase bore a double meaning, for even Madison must have admitted that the business could not have ended much worse.

Gallatin sent to the President a remarkable paper,² in substance an argument for peace, and in tenor a criticism of the grounds which Jefferson, Madison, Monroe, Livingston, and Pinckney had thought proper to take in their dispute with Spain. Gallatin held that, owing to the "unpardonable oversight or indifference" of Livingston and Monroe in failing to in-

¹ Madison to Jefferson, Sept. 1, 1805; Jefferson MSS.

² Gallatin to Jefferson, Sept. 12, 1805; Gallatin's Writings, i. 241.

sist on a boundary to Louisiana, the United States government was debarred from holding Spain responsible for the inevitable consequences of its own fault. Neither Spain's qualified refusal to ratify the claims convention of 1802 nor her rejection of the French spoliation claims would justify war. As a matter of abstract justice, war was not to be defended; as a matter of policy, it could not be recommended. The expense and loss would exceed the value of Florida; the political result would entangle America in alliance with England; and, "in fine, a subversion of all our hopes must be the natural consequence." Renewal of negotiation was the proper step, with the Sabine and Perdido as boundaries and a temporary arrangement under the *status quo*, acceptance of the Spanish condition precedent to ratifying the claims convention, and insistence against the new spoliations which French and Spanish privateers were daily making on American commerce in the West Indies. Pending the result of this negotiation Congress might spend some money on the militia, and might appropriate a million dollars annually to build ships of the line.

In effect, Gallatin threw his influence on the side of Madison against the President's semi-warlike views. The opinion of Robert Smith did not weaken the force of Gallatin's reasoning. Already a perceptible division existed in the Cabinet between the Treasury and the Navy. Hardly three months before the Spanish embarrassment, Gallatin had spoken to the President

in strong terms of Robert Smith's administration, and had added,¹ —

“On this subject, — the expense of the Navy greater than the object seemed to require, and a merely nominal accountability, — I have, for the sake of preserving perfect harmony in your councils, however grating to my feelings, been almost uniformly silent.”

Smith's present views tended to confirm Gallatin in his irritation, and to reconcile Jefferson to abandoning his energetic schemes. The Secretary of the Navy said that throughout these negotiations Spain had presumed much on American predilection for peace, and on the want of means to annoy her either by land or by water. He urged the necessity of working on her fears, and advised that Congress be recommended to provide additional gunboats, to put all the frigates in commission, and to build twelve seventy-fours. With these means he was disposed to take a commanding attitude; and if Spain were supported by France, to make an alliance with England.²

Gallatin and Robert Smith agreed only on one point, — that the affair had been mismanaged. Both secretaries held that America had made pretensions which she had not strength at the moment to support. Rather than “again run the risk of lowering national importance,” Gallatin preferred to submit to

¹ Gallatin to Jefferson, May 30, 1805; Gallatin's Writings, i. 233.

² Robert Smith to Jefferson, Sept. 10, 1805; Jefferson MSS.

the consequent loss of reputation, and return to a true peace-policy. Robert Smith wished to maintain a high tone, and to arm. All Jefferson's instincts were with Gallatin; but the path that Gallatin proposed was hard and mortifying, and although he made it as little abrupt as possible, he could not prevent it from seeming what it was,—a severe humiliation to the President. Not without some inward struggle could a President of the United States bow his neck to such a yoke as Spain and France imposed.

At that moment, the middle of September, arrived Armstrong's letter advising the military occupation of Texas and a cessation of intercourse with Spain. His plan was the first well-considered suggestion yet made for carrying out the policy hitherto pursued; and although contrary to Gallatin's advice, it agreed so well with the President's views that he caught at it with the relief of a man unable to solve his own problem, who hears another explain what to himself is inexplicable. Jefferson seized Armstrong's idea, and uniting it with his own, announced the result to Madison as the true solution of the difficulty:¹—

“Supposing a previous alliance with England to guard us in the worst event, I should propose that Congress should pass acts (1) authorizing the Executive to suspend intercourse with Spain at discretion; (2) to dislodge the new establishments of Spain between the Mississippi

¹ Jefferson to Madison, Sept. 16, 1805; Works, iv. 587.

and Bravo; (3) to appoint commissioners to examine and ascertain all claims for spoliation."

Here at length was a plan,—uncertain, indeed, because dependent on British help, but still a scheme of action which could be discussed. The President appointed October 4 as the day on which the Cabinet should reunite at Washington to consider his project, but Madison replied that he could not return so soon; and in order that the Cabinet should know his views, he explained at some length the course he advised, which differed widely from that of the President.

"With respect to Great Britain," he said,¹ "I think we ought to go as far into an understanding on the subject of an eventual coalition in the war as will not preclude us from an intermediate adjustment, if attainable, with Spain. I see not, however, much chance that she will positively bind herself not to make peace, while we refuse to bind ourselves positively to make war,—unless, indeed, some positive advantage were yielded on our part in lieu of an engagement to enter into the war. No such advantage as yet occurs as would be admissible to us and satisfactory to her."

In regard to England, therefore, Madison had nothing to propose except negotiation without end. Having settled this point, he went on:—

"At Paris I think Armstrong ought to receive instructions to extinguish in the French government every hope of turning our controversy with Spain into a French job, public or private; to leave them under apprehensions

¹ Madison to Jefferson, Sept. 30, 1805; Jefferson MSS.

of an eventual connection between the United States and Great Britain; and to take advantage of any change in the French Cabinet favorable to our objects with Spain."

To leave Bonaparte "under apprehensions" was to be the object of Madison's diplomacy at Paris,—a task which several European governments were then employing half a million armed men to accomplish, hitherto without success, but which Madison hoped to effect by civilities to Merry.

After this decision, nothing remained but to mark out a line of conduct in regard to Spain. In the course of the summer Bowdoin, the new minister, had sailed; but on arriving in Spain, and learning the failure of Monroe's negotiation, he went to Paris and London without visiting Madrid.

"As to Spain herself," continued Madison, "one question is, whether Bowdoin ought to proceed or not to Madrid. My opinion is that his trip to Great Britain was fortunate, and that the effect of it will be aided by his keeping aloof until occurrences shall invite him to Spain. . . . The nicest question, however, is whether any, or what, steps should be taken for a communication with the Spanish government on the points not embraced by the late negotiation. On this question my reflections disapprove of any step whatever other than such as may fall within the path to be marked out for Armstrong, or as may be within the sphere of Claiborne's intercourse with the Marquis of Casa Calvo. Perhaps the last may be the best opportunity of all for conveying to Spain the impressions we wish, without committing the government in any respect more than may

be advisable. In general it seems to me proper that Claiborne should hold a pretty strong language in all cases, and particularly that he should go every length the law will warrant against Morales and his project of selling lands. If Congress should be not indisposed, proceedings may be authorized that will be perfectly effectual on that as well as other points; but before their meeting there will be time to consider more fully what ought to be suggested for their consideration."

Having brought the government face to face with the government of Spain, in the belief that Spain and France must yield to a peremptory demand, — finding that Spain not only refused every concession, but renewed depredations on American commerce and took an attitude of indifference to threats or entreaties, — Madison proposed no more vigorous measure than to "go every length the law will warrant" against certain Spanish land-grants.

Such a course pleased no one, and threatened to create new dangers. Monroe and Armstrong urged that a supposed devotion to peace on the part of the President weighed heavily against him with Spain and France. Jefferson approved their proposed aggressive policy, as he wrote to Madison, chiefly because it would "correct the dangerous error that we are a people whom no injuries can provoke to war."¹ He shrank from war, except under the shield of England, and yet he feared England for an ally even more than Spain for an enemy. His perplexity ended in help-

¹ Jefferson to Madison, Sept. 18, 1805; Jefferson MSS.

lessness. The Cabinet meeting was held October 4; but he reported to Madison that nothing came of it:¹

“The only questions which press on the Executive for decision are whether we shall enter into a provisional alliance with England, to come into force only in the event that *during the present war* we become engaged in war with France, leaving the declaration of the *casus fœderis* ultimately with us; whether we shall send away Yrujo, Casa Calvo, Morales; whether we shall instruct Bowdoin not to go to Madrid till further orders. But we are all of the opinion that the first of these questions is too important and too difficult to be decided but on the fullest consideration, in which your aid and counsel should be waited for.”

Again Madison wrote back his opinion. More than six months had elapsed since the President, March 23, despaired of Monroe's mission; every alternative had been repeatedly discussed; every advice had been taken. Congress would soon meet; something must be decided,—in reality delay was itself a decision; yet the President and Secretary of State seemed no nearer a result than they had been six months before. Meanwhile the European packets brought news that put a different face on the problem. Sir William Scott's decision in the case of the “Essex” arrived; seizures of American ships by England began; Pitt's great coalition with Russia and Austria against Napoleon took the field, and August 27 Napoleon broke up the camp at Boulogne

¹ Jefferson's Writings (Ford), viii. 380.

and began his long-intended movement across the Rhine. Upon Madison's mind this European convulsion acted as an additional reason for doing nothing:¹ —

“Considering the probability of an extension of the war against France, and the influence that may have on her temper toward the United States, the uncertainty of effecting with England such a shape for an arrangement as alone would be admissible, and the possible effects elsewhere of abortive overtures to her, I think it very questionable whether a little delay may not be expedient, especially as in the mean time the English pulse will be somewhat felt by the discussions now on foot by Mr. Monroe.”

Accordingly the Secretary advised that Morales, Casa Calvo, and Yrujo should be ordered out of the country, while Bowdoin should remain in England, — and so left it.

Madison's measures and conduct toward Europe showed the habit of avoiding the heart of every issue, in order to fret its extremities. This mark of Madison's character as a diplomatist led him into his chief difficulties at home and abroad; but the Spanish imbroglio of 1805 first brought the weakness into public notoriety, and he recovered from the subsequent revelation only after years of misfortune. The same habit of mind made him favor commercial restrictions as a means of coercion. So he disregarded Armstrong's idea of seizing Texas,

¹ Madison to Jefferson, Oct. 16, 1805; Jefferson MSS.

but warmly approved of his passing suggestion as to an embargo:¹—

“The efficacy of an embargo cannot be doubted. Indeed, if a commercial weapon can be properly shaped for the Executive hand, it is more and more apparent to me that it can force all the nations having colonies in this quarter of the globe to respect our rights.”

This mental trait was closely connected with Madison's good qualities,—it sprang from the same source as his caution, his respect for law, his instinctive sense of the dangers that threatened the Union, his curious mixture of radical and conservative tastes; but whatever its merits or defects, it led to a strange delusion when it caused him to believe that a man like Napoleon could be forced by a mere pin-prick to do Jefferson's will.

Jefferson himself was weary of indecision. He had rested his wish for an English alliance on the belief that Napoleon meant to make peace in Europe in order to attack America; and this idea, never very reasonable, could have no weight after Napoleon had plunged into a general European war. No sooner did he receive Madison's letter of October 16, than he again changed his plan.

“The probability of an extensive war on the continent of Europe, strengthening every day for some time past, is now almost certain,” he wrote October 23 to Madison.² “This gives us our great desideratum, time. In truth it

¹ Madison to Jefferson, Sept. 14, 1805; Jefferson MSS.

² Jefferson's Writings (Ford), viii. 380.

places us quite at our ease. We are certain of one year of campaigning at least, and one other year of negotiation for their peace arrangements. Should we be now forced into war, it is become much more questionable than it was whether we should not pursue it unembarrassed by any alliance, and free to retire from it whenever we can obtain our separate terms. It gives us time, too, to make another effort for peaceable settlement. Where should this be done? Not at Madrid, certainly. At Paris! through Armstrong, or Armstrong and Monroe as negotiators, France as the mediator, the price of the Floridas as the means. We need not care who gets that, and an enlargement of the sum we had thought of may be the bait to France, while the Guadalupe as the western boundary may be the soother of Spain; providing for our spoliated citizens in some effectual way. We may announce to France that determined not to ask justice of Spain again, yet desirous of making one other effort to preserve peace, we are willing to see whether her interposition can obtain it on terms which we think just; that no delay, however, can be admitted; and that in the mean time should Spain attempt to change the *status quo*, we shall repel force by force, without undertaking other active hostilities till we see what may be the issue of her interference."

A similar letter was sent on the same day to Galatin; and the next day Jefferson wrote to Robert Smith, suggesting the same idea, with some characteristic additions.¹

Jefferson's idea that Napoleon would require two years of war seemed reasonable; for how could Jeffer-

¹ Jefferson's Writings (Ford), viii. 381.

son know that Ulm had already surrendered, that Austerlitz would be fought within six weeks, and that peace would be restored before the new year, with the Emperor Napoleon more terrible than ever? In truth Jefferson only reverted to his policy of peace which he had seemed to abandon, but to which he really clung even when most earnest for a British alliance. His conduct in that sense was at least consistent. So much could hardly be said for Madison, even though the President apparently yielded to the secretary's advice. Of all the points on which Madison, and Monroe in obedience to his orders, had most strongly insisted, even to the extent of offending Talleyrand, the strongest was that under no circumstances should the Florida negotiation be turned into a bribe to France. As late as September 30, in writing the opinion intended to guide the Cabinet, Madison asked authority "to extinguish in the French government every hope of turning our controversy with Spain into a French job, public or private."¹ The President's suggestion of October 23 avowedly turned the controversy with Spain into a French job, which must inevitably become private as well as public.

Madison made no protest. He soon returned to Washington, and there, Nov. 12, 1805, a Cabinet meeting was held, whose proceedings were recorded by the President in a memorandum, probably written at the moment. This memorandum closed a record,

¹ Madison to Jefferson. Sept. 30, 1805: Jefferson MSS.

unusually complete, of an episode illustrating better than any other the peculiarities of Jefferson and Madison, and the traits of character most commonly alleged as their faults.¹

“1805, *Nov.* 12. Present, the four secretaries; subject, Spanish affairs.—The extension of the war in Europe leaving us without danger of a sudden peace, depriving us of the chance of an ally, I proposed we should address ourselves to France, informing her it was a last effort at amicable settlement with Spain, and offer to her, or through her, (1) A sum of money for the rights of Spain east of Iberville, say the Floridas; (2) To cede the part of Louisiana from the Rio Bravo to the Guadalupe; (3) Spain to pay within a certain time spoiliations under her own flag, agreed to by the convention (which we guess to be a hundred vessels, worth two millions), and those subsequent (worth as much more), and to hypothecate to us for those payments the country from Guadalupe to Rio Bravo. Armstrong to be employed. The first was to be the exciting motive with France, to whom Spain is in arrears for subsidies, and who will be glad also to secure us from going into the scale of England; the second, the soothing motive with Spain, which France would press *bonâ fide*, because she claimed to the Rio Bravo; the third, to quiet our merchants. It was agreed to unanimously, and the sum to be offered fixed not to exceed five million dollars. Mr. Gallatin did not like purchasing Florida under an apprehension of war, lest we should be thought in fact to purchase peace. We thought this outweighed by taking advantage of an opportunity which might not occur

¹ Cabinet Memoranda; Jefferson's Writings (Ford), i. 308.

again of getting a country essential to our peace and to the security of the commerce of the Mississippi. It was agreed that Yrujo should be sounded through Dallas whether he is not going away, and if not, he should be made to understand that his presence at Washington will not be agreeable, and that his departure is expected. Casa Calvo, Morales, and all the Spanish officers at New Orleans are to be desired to depart, with a discretion to Claiborne to let any friendly ones remain who will resign and become citizens, as also women receiving pensions to remain if they choose."

CHAPTER IV.

PRESIDENT JEFFERSON'S decision, in October, 1805, to retrace his steps and reverse a policy which had been publicly and repeatedly proclaimed, was the turning-point of his second Administration. No one can say what might have happened if in August, 1805, Jefferson had ordered his troops to cross the Sabine and occupy Texas to the Rio Bravo, as Armstrong and Monroe advised. Such an act would probably have been supported, as the purchase of Louisiana had been approved, by the whole country, without regard to Constitutional theories; and indeed if Jefferson succeeded to the rights of Napoleon in Louisiana, such a step required no defence. Spain might then have declared war; but had Godoy taken this extreme measure, he could have had no other motive than to embarrass Napoleon by dragging France into a war with the United States, and had this policy succeeded, President Jefferson's difficulties would have vanished in an instant. He might then have seized Florida; his controversies with England about neutral trade, blockade, and impressment would have fallen to the ground; and had war with France continued two years, until Spain

threw off the yoke of Napoleon and once more raised in Europe the standard of popular liberty, Jefferson might perhaps have effected some agreement with the Spanish patriots, and would then have stood at the head of the coming popular movement throughout the world, — the movement which he and his party were destined to resist. Godoy, Napoleon, Pitt, Monroe, Armstrong, John Randolph, and even the New England Federalists seemed combined to drag or drive him into this path. Its advantages were so plain, even at that early moment, as to overmaster for a whole summer his instinctive repugnance to acts of force.

After long hesitation, Jefferson shrank from the step, and fell back upon his old policy of conquering by peace; but such vacillations were costly. To Gallatin the decision was easy, for he had ever held that on the whole the nation could better afford a loss of dignity than a war; but even he allowed that loss of dignity would cost something, and he could not foretell what equivalent he must pay for escape from a Franco-Spanish war. Neither Jefferson nor Gallatin could expect to be wholly spared; but Madison's position was worse than theirs, for he had still to reckon with his personal enemies, — John Randolph, Yrujo, and Merry, — and to overawe a *quasi* friend more dangerous than an enemy, — the military diplomat, Turreau.

Turreau during this summer kept his eye fixed on the Secretary of State, and repeatedly hinted, in a

manner extremely frank, that he meant to tolerate no evasions. He wrote to Talleyrand in a tone of cool confidence. July 9 he said that the Emperor's measures for the protection of Florida were sufficient:

"The intervention of France in the negotiations with Spain has stopped everything. They have been affected by it here, but have not shown to me any discontent at it. 'Well,' said Mr. Jefferson to me lately, 'since the Emperor wishes it, the arrangement shall be adjourned to a more favorable time.'"

That Jefferson made this remark could be believed only by his enemies, for it contradicted the tenor of his letters to Madison; but although Turreau doubtless overstated the force of the words, he certainly gave to Talleyrand the impression that the President was reduced to obedience. The impression was enough; correct or not, it strengthened Napoleon's natural taste for command.

A few weeks afterward, Turreau wrote to Madison a note in regard to General Moreau's reception in the United States. In a tone excessively military he said:¹—

"General Moreau ought not (*ne doit point*) to be, in a foreign country, the object of honors which the consideration of his services would formerly have drawn upon him; and it is proper (*il convient*) that his arrival and his residence in the United States should be marked by no demonstration which passes the bounds of hospitality."

¹ Turreau to Madison, 26 Thermidor, An xiii. (Aug. 14, 1805); MSS. State Department Archives.

Madison was indignant at this interference, and proposed to resent it. The President encouraged him to do so, on the express ground that they had not ventured to resent the conduct of France in regard to Monroe's negotiation:¹—

“The style of that government in the Spanish business was calculated to excite indignation; but it was a case in which that might have done injury. But the present is a case which would justify some notice in order to let them understand we are not of those Powers who will receive and execute mandates.”

Meanwhile General Smith, who had not resented the repudiation of his niece by the Emperor, and to whom Madison showed the offensive letter, undertook to soothe the irritation. “He says,” wrote Madison in his next letter to the President,² “that Turreau speaks with the greatest respect, and even affection, toward the Administration; and such are the dispositions which it is certain he has uniformly manifested to me.” Upon these assurances Madison toned down the severity he had intended.

Turreau had resided hardly six months in the United States before he announced to Talleyrand the conviction of all American politicians that any war would end in driving from office the party which made it:³—

¹ Jefferson to Madison, Aug. 25, 1805; Works, iv. 584.

² Madison to Jefferson, Sept. 1, 1805; Jefferson MSS.

³ Turreau to Talleyrand, 20 Messidor, An xiii. (July 9, 1805); Archives des Aff. Étr., MSS.

“To such an extent is the actual Administration convinced of this fact, that it allows itself to be outraged every day by the English, and accepts all the humiliations they care to impose; and notwithstanding the contempt generally felt here for Spain, against whom a war was last year quite openly provoked, the members of the United States government have not dared to undertake it, although sure of beginning it with public opinion in their favor. And no one need think that this indisposition to war depends only on the personal character and the philanthropic principles of Mr. Jefferson, for it is shared by all the party leaders, even by those who have most pretensions and well-founded hopes to succeed the actual President, — such as Mr. Madison.”

Turreau's sketch of American character and ambition was long and interesting, and suggested the vulnerable point where France should throw her strength against this new people. Neither as a military nor as a naval power did he think the United States formidable. Their government made no concealment of its weakness: —

“They especially lack trained officers. The Americans are to-day the boldest and the most ignorant navigators in the universe. In brief, it seems to me that, considering the weakness of the military constitution, the Federal government, which makes no concealment of this weakness, will avoid every serious difference which might lead to aggression, and will constantly show itself an enemy to war. But does the system of encroachment which prevails here agree with a temper so pacific? Certainly not, at first sight; and yet unless circumstances change, the

United States will succeed in reconciling the contradiction. To conquer without war is the first fact in their politics (*Conquérir sans guerre, voilà les premiers faits politiques.*)”

These reflections were written early in July, 1805, before the President and his Cabinet had begun to discuss Monroe's failure and the policy of a Spanish war, and more than three months before the President wholly abandoned the thought of warlike measures. Turreau's vision was keen, but he had no excuse for short-sightedness. Madison made little effort to disguise his objects or methods.

“I took occasion to express to Mr. Madison,” wrote Turreau in the same despatch, “my astonishment that the schemes of aggrandizement which the United States government appeared to have, should be always directed toward the south, while there were still in the north important and convenient territories, such as Canada, Nova Scotia, etc. ‘Doubtless!’ replied the secretary, ‘but the moment has not yet come! When the pear is ripe it will fall of itself.’”

Had Turreau asked why, then, Madison gave so violent a shaking to the Florida pear-tree, Madison must have answered, with the same candor, that he did so because he supposed the Florida pear to be ripe. The phrase was an admission and an invitation,—an admission that Florida would have been left alone if Spain had been as strong as England; and an invitation to Turreau to interpose with safety the sword of France. Turreau could not doubt the

effect of his own blunt interference. So confident had the new French minister already become, in July, 1805, that he not only told Madison to stop these petty larcenies of Spanish property, but also urged Napoleon to take the Floridas and Cuba into his own hand solely to check American aggression. "I believe that France alone can arrest these American enterprises and baffle (*déjouer*) their plan."

Had Turreau's discipline stopped there, much might have been said in his favor; but in regard to still another matter he used expressions and made demands such as Madison never yet had heard from a diplomatic agent, although the secretary's experience was already considerable. Neither Yrujo nor Merry had succeeded in giving to their remonstrances or requests the abruptness of Napoleon's style.

The Federalist newspapers during Jefferson's first term had found so little reason for charging him with subservience to France, that this old and stale reproach had nearly lost its weight. Neither the New England merchants whom France had plundered, and whose claims Jefferson consented to withdraw, nor the British government or British newspapers had thought it worth their while to press the charge that Jefferson was led astray by love or fear of Napoleon or the Empire. Not until the winter of 1805-1806 did the doctrine of French influence recover a certain share of strength; but as John Randolph and his friends, who detested Madison, were outraged by the conduct of France in Spanish affairs,

so Timothy Pickering and the whole body of Federalists, who hated the South and the power which rested on the dumb vote of slaves, were exasperated by the conduct of France in regard to their trade with St. Domingo. In both cases Madison was the victim.

St. Domingo was still in name and in international law a colony of France. Although Rochambeau surrendered himself and his few remaining troops as prisoners of war to the English in November, 1803; although the negroes in January, 1804, proclaimed their independence, and held undisputed control of the whole French colony, while their ports were open, and not an armed vessel bearing the flag of France pretended to maintain a blockade,—yet Napoleon claimed that the island belonged to him. General Ferrand still held points in the Spanish colony for France, and defeated an invasion attempted by Dessalines; nor did any government betray a disposition to recognize the black empire, or to establish relations with Dessalines or Christophe, or with a negro republic. On the other hand, the trade of Hayti, being profitable, was encouraged by every government in turn; but because it was, even more than other West Indian trade, unprotected by law, the vessels which carried it were usually armed, and sailed in company. In the winter of 1804–1805, soon after General Turreau's arrival at Washington, a flotilla armed with eighty cannon and carrying crews to the number of seven hundred men, set sail from New York with cargoes which included contraband of war

of all kinds. Turreau remonstrated with Madison, who assured him that a law would soon be reported for correcting this abuse.

A Bill was accordingly reported; but it prohibited only the armed commerce and put the trade under heavy bonds for good behavior. To answer Turreau's object the trade must be prohibited altogether. Dr. Logan, one of the senators from Pennsylvania, who led the Northern democrats, with the "Aurora's" support, in hostility to the Haytian negroes, moved an amendment to the Bill when it came before the Senate. He proposed to prohibit every kind of commerce with St. Domingo; and the Senate was so closely divided as to require the casting vote of the Vice-President. Burr gave his voice against Dr. Logan's amendment, and the Bill accordingly passed, March 3, 1805, leaving the unarmed trade still open.

Turreau duly reported these matters to his Government.¹ The facts were public, and were given needless notoriety by the merchants themselves. On the return of the Haytian flotilla to New York, they celebrated the event in a public dinner, and the company drank a health to the government of Hayti. Another expedition was reported to be preparing. General Ferrand issued severe proclamations against the trade,² and Madison remonstrated strongly against Ferrand. One armed American ves-

¹ Turreau to Talleyrand, 30 Germinal, An xiii. (April 20, 1805); Archives des Aff. Étr., MSS.

² State Papers, ii. 728.

sel, which had carried three cargoes of powder to the Haytians, was taken by a British cruiser, sent into Halifax, and there condemned by the British court as good prize for carrying on an unlawful trade.

Early in August, 1805, after Monroe's return to London, and while Jefferson and Madison were discussing the problem of protecting themselves from French designs, the Emperor Napoleon, who had returned from Italy and gone to the camp at Boulogne, received Turreau's despatch, and immediately wrote in his own emphatic style to Talleyrand:¹—

“The despatch from Washington has fixed my attention. I request you to send a note to the American minister accredited to me. You will join to it a copy of the judgment [at Halifax]; and you will declare to him that it is time for this thing to stop (*que cela finisse*); that it is shameful (*indigne*) in the Americans to provide supplies for brigands and to take part in a commerce so scandalous; that I will declare good prize everything which shall enter or leave the ports of St. Domingo; and that I can no longer see with indifference the armaments evidently directed against France which the American government allows to be made in its ports.”

In this outburst of temper Napoleon's ideas of law became confused. The American government did not dispute his right to seize American vessels trading with Hayti: the difficulty was that he did not or could not do so, and for this reason he made the

¹ Napoleon to Talleyrand, 22 Thermidor, An xiii. (Aug. 10, 1805); Correspondance, xi. 73.

demand that the American government should help him in doing what he was powerless to effect without its aid. Talleyrand immediately wrote to Armstrong a letter in which he tried to put the Emperor's commands into a shape more diplomatic, by treating the Haytians as enemies of the human race, against whom it was right that the United States should interpose with measures of hostility :¹—

“As the seriousness of the facts which occasion this complaint obliges his Majesty to consider as good prize everything which shall enter into the part of St. Domingo occupied by the rebels, and everything coming out, he persuades himself that the government of the United States will take on its part, against this commerce at once illicit and contrary to all the principles of the law of nations, all the repressive and authoritative measures proper to put an end to it. This system of impunity and tolerance must last no longer (*ne pourrait durer davantage*).”

For the third time within six months Talleyrand used the word “must” to the President of the United States. Once the President had been told that he must abandon his Spanish claims; then that he must show no public respect for Moreau; finally he was told still more authoritatively that he must stop a trade which France was unable to stop, and which would continue in British hands if Congress should obey Napoleon's order. Talleyrand directed

¹ Talleyrand to Armstrong, 29 Thermidor, An xiii. (Aug. 16, 1805); State Papers, ii. 726.

Turreau to repeat at Washington the Emperor's remonstrance, and Turreau accordingly echoed in Madison's ear the identical words, "must last no longer."¹ His letter, to his indignation, received no answer or notice.

Thus at the moment when Congress was to meet, Dec. 2, 1805, serious problems awaited it. The conduct of Spain was hostile. At sea Spanish cruisers captured American property without regard to treaty-rights; on land Spanish armed forces made incursions from Florida and Texas at will.² The conduct of France was equally menacing, for Napoleon not only sustained Spain, but also pressed abrupt demands of his own such as Jefferson could not hear without indignation. As though Congress had not enough difficulty in dealing with these two Powers, Great Britain also took an attitude which could be properly met by no resistance short of a declaration of war.

During the whole year the conduct of England changed steadily for the worse. The blockade of New York by the two frigates "Cambrian" and "Leander" became intolerable, exasperating even the mercantile class, who were naturally friendly to England, and who had most to dread from a quarrel. On board the "Leander" was a young midshipman named Basil Hall, who in later years described the mode of life he led in this service, and whose account of the blockade, coming from a British source, was

¹ Turreau to Madison, Jan. 3, 1806; State Papers, ii. 726.

² State Papers, ii. 682-695.

less liable than any American authority to the charge of exaggeration.

“Every morning at daybreak,” according to his story,¹ “we set about arresting the progress of all the vessels we saw, firing off guns to the right and left to make every ship that was running in heave to, or wait until we had leisure to send a boat on board ‘to see,’ in our lingo, ‘what she was made of.’ I have frequently known a dozen, and sometimes a couple of dozen, ships lying a league or two off the port, losing their fair wind, their tide, and worse than all their market, for many hours, sometimes the whole day, before our search was completed.”

An informality in papers, a suspicion of French ownership, a chance expression in some private letter found and opened in the search, insured seizure, a voyage to Halifax, detention for months, heavy costs, indefinite damage to vessel and cargo, and at best release, with no small chance of re-seizure and condemnation under some new rule before the ship could reach port.

Such vexations were incident to a state of war. If the merchants of New York disliked them, the merchants might always ask Government to resent them; but in truth commerce found its interest in submission. These vexations secured neutral profits; and on the whole the British frigates and admiralty courts created comparatively little scandal by in-

¹ Fragments of Voyages and Travels, by Captain Basil Hall, R. N., F. R. S., London, 1856.

justice, while they served as a protection from the piratical privateers of Spain and France. Madison, Gallatin, and the newspapers grumbled and complained; but the profits of neutrality soothed the offended merchant, and the blockade of New York was already a fixed practice. Had the British commanders been satisfied with a moderate exercise of their power, the United States would probably have allowed the habit of neutral blockade to grow into a belligerent right by prescription. Neither the mercantile class nor the government would have risked profit or popularity on such a stake; but fortunately the British officers steadily became more severe, and meanwhile in their practice of impressment roused extreme bitterness among the seafaring classes, who had nothing to gain by submission. In Basil Hall's words, the British officers took out of American vessels every seaman "whom they had reason, or supposed or said they had reason, to consider" a British subject, "or whose country they guessed from dialect or appearance." By these impressments American vessels were often left short-handed, and were sometimes cast away or foundered. In such cases the owners were greatly irritated; but commonly the exasperation was most deeply felt by the laboring class and among the families of seafaring men. The severity with which impressment was enforced in 1805 excited hatred toward England among people who had at best no reason to love her. More than twenty years afterward, when Basil Hall revisited

New York, he was not surprised to find the name of his old ship, the "Leander," still held in detestation. Not only were the duties harsh, but, as he frankly admitted, they were harshly performed.

After Pitt's return to power impressments increased until they averaged about a thousand a year. Among them were cases of intolerable outrage; but neither President, Congress, nor people, nor even the victims themselves, cared as a body to fight in defence of their rights and liberties. Where an American-born citizen had been seized who could prove his birth, Madison on receiving the documents sent them to Monroe, who transmitted them to the British Admiralty, which ordered an inquiry; and if the man had not been killed in action or died of disease and hard usage, he was likely, after a year or two of service, to obtain a release. The American-born citizen was admitted to be no subject for impressment, and the number of such persons actually taken was never so large as the number of British-born sailors who were daily impressed; but both the mercantile and the national marine of the United States were largely manned by British seamen, and could not dispense with them. According to Gallatin's calculation,¹ American tonnage increased after 1803 at the rate of about seventy thousand tons a year; and of the four thousand two hundred men required to supply this annual increase, about two thousand five hundred were British. If the British marine lost two thousand five hundred men

¹ Gallatin to Jefferson, April 16, 1807; Works, i. 335.

annually by desertion or engagement in the American service, even after recovering one thousand seamen a year by impressment, the British navy made good only a fraction of the loss. On the other hand, if the United States government went to war to protect British seamen, America would lose all her mercantile marine; and these same seamen for whom she was fighting must for the most part necessarily return to their old flag, because they would then have no other employer. The immediate result of war must strengthen the British marine by sending back to it ten thousand seamen whom America could no longer employ.

Nations rarely submit to injury without a motive. If Jefferson and the Republican party, if Timothy Pickering and George Cabot, the merchants of Boston and New York, and even the seamen themselves, rejected the idea of war, it was because they found a greater interest in maintaining peace. This interest consisted, as regarded England, in the large profits realized in neutral freights. So long as the British navy protected this source of American wealth, Americans said but little about impressments; but in the summer of 1805 Pitt thought proper to obstruct this source, and suddenly the whole American seaboard, from Machias to Norfolk, burst into excitement, and demanded that the President should do something, — they knew not what, but at moments they seemed to ask for war.

The news of Sir William Scott's decision in the

case of the "Essex" reached America in the month of September, while the President and Madison were discussing an alliance with England to protect themselves against France and Spain. The announcement that Great Britain had suddenly begun to seize American ships by scores at the moment when Jefferson counted most confidently on her willingness to oblige, was a blow to the Administration so severe that a long time elapsed before either Jefferson or Madison realized its violence. Their minds were intent on the Spanish problem; and with the question of war pressing upon them from the south, they did not at once perceive that another war was actually declared against their commerce from the north. Jefferson disliked commercial disputes, and gladly shut his eyes to their meaning; Madison felt their importance, but was never quick to meet an emergency.

Merry was near Philadelphia during the autumn, when Mrs. Madison's illness obliged the secretary to remain in that city. Early in September Merry wrote to his Government that the complete failure of Monroe's Spanish mission was no secret, and that Madison expected some collision with Spain in West Florida, but would wait for the meeting of Congress before taking action. "Such a determination on the part of the President," continued Merry,¹ "is so consonant with his usual caution and temporizing system (to which the opposition here give the character of timidity and irresolution), that I cannot but be

¹ Merry to Mulgrave, Sept. 2, 1805: MSS. British Archives.

disposed to give entire credit to the information." Shortly after the date of this despatch, news arrived that the British government had altered its rules in regard to the neutral carrying-trade, and that British cruisers were everywhere seizing American ships. Merry, who had not been forewarned by Lord Mulgrave, and who had no wish to see his own position made more uncomfortable than it already was, became uneasy. "The sensation and clamor," he wrote,¹ "excited by this news from England (which has already caused the insurance on such cargoes to be raised to four times the usual premium) is rendered the greater by such events having been totally unexpected, and by the merchants here having, on the contrary, considered themselves as perfectly secured against them." Merry saw that his Government had in the midst of peace taken a measure which Madison could hardly fail to denounce as an act of war. Dreading a violent explosion, the British minister waited anxiously ; but, to his surprise, nothing happened. "Although I have seen Mr. Madison twice since the attention of the public has been so much engaged with this object, he has not thought proper to mention it to me."² At first Merry could not account for this silence ; only by degrees was he taught to connect it with the Spanish quarrel, and to understand that Madison hoped to conciliate England in order to overawe France. In this play

¹ Merry to Mulgrave, Sept. 30, 1805 ; MSS. British Archives.

² Ibid.

of cross-purposes. Merry's account of Madison's conversation was not calculated to alarm the British government : ¹ —

“ Before I quitted the vicinity of Philadelphia to return to this place [Washington], I had an interview with Mr. Madison, who having then received accounts from Mr. Monroe respecting the detention by his Majesty's ships of several American vessels in consequence of their being loaded with the produce of the enemy's colonies, brought forward that subject to me, — speaking upon it, however, with much more moderation than from his natural irritability, and the sensation which it had produced throughout this country, I could have expected on his part. It is unnecessary for me to trouble your Lordship by detailing to you the several observations which he made to me to endeavor to prove the impropriety of the principle upon which the detention of those vessels has taken place. . . . As I had the honor to observe in the former part of this letter, the American Secretary of State delivered his sentiments on this subject with great temper, and concluded by expressing only a wish that Mr. Monroe's remonstrances upon it might prove so far efficacious as at least to procure the liberation of the vessels and cargoes which were already detained, as well as of those which might be stopped before the new system adopted by his Majesty's government in regard to the trade in question should be generally known. Our conversation afterward turned upon some circumstances, the accounts of which had just been received, of the recent conduct of Spain toward this country, when Mr. Madison was much less reserved in expressing his sentiments than on former

¹ Merry to Mulgrave, Nov. 3, 1805 ; MSS. British Archives.

occasions, and gave me the detail of the perfidious and insolent proceedings of some of the Spanish officers who still remain at New Orleans, and of others who command in the disputed territory, — which, combined with information he had received of the departure of four hundred troops with a quantity of military stores from the Havana, supposed to be destined to reinforce the garrisons in East and West Florida, and with a report which prevailed at New Orleans of a considerable force advancing from Mexico toward Louisiana, could not, he observed, fail to render the differences subsisting between the two governments still more difficult of accommodation.”

This conversation took place about the middle of October, before the President had decided to acquiesce in the acts of Spain and France. As a result of the high tone taken toward England in the winter of 1803–1804, the secretary’s mildness might well surprise a British minister, who was not quick of comprehension, and required to be told in plain language the meaning of Madison’s manœuvres. No sooner had Merry returned to Washington than “a confidential person” was sent to him to explain the mystery :¹ —

“ On this subject it has been remarked to me by a person in a confidential situation here that the detention of the American vessels by his Majesty’s ships has happened very unseasonably to divert the attention of the people of the United States and of the Government from a proper consideration of the grievances and injuries

¹ Merry to Mulgrave, Nov. 3, 1805 : MSS. British Archives.

which they have experienced from Spain, and which the Government were disposed and had actually taken the measures to resent; and he conceived that when the state of the relations between the United States and other Powers should be laid by the President before Congress at their approaching meeting, the circumstance above-mentioned, of what is considered to be so unfriendly a proceeding on the part of Great Britain, will have the same effect upon the resolutions of that body by blunting the feelings which would otherwise have been excited by the conduct of Spain, supported by France, against this country."

The "confidential person" usually employed by Jefferson and Madison on such errands was either Robert or Samuel Smith; partly because both these gentlemen were a little inclined to officiousness, partly because they were men of the world, or what Pichon called "*hommes fort polis*." In this instance the agent was probably the Secretary of the Navy. In telling the British minister that the President had already taken measures to resent the conduct of Spain, this agent was unwise, not so much because the assertion was incorrect, as because Merry knew better. In the same despatch, written Nov. 3, 1805, Merry informed his Government of the President's hopes of an agreement with Spain, founded on the war in Europe, — hopes which had been entertained only ten days, since October 23. He had the best reason to be well informed on this subject, for he drew his information directly from Jefferson himself.

That Merry should have been exceedingly perplexed

was no wonder. Two years had elapsed since his first arrival in Washington, when he had been harshly treated without sufficient reason, by President, Cabinet, and Congress; and on returning to the same place in this autumn of 1805, immediately after his Government had made war on United States commerce, he found himself received with surprising cordiality. Immediately on his return, about October 20, he called at the White House. Instead of finding the President in a passion, denouncing Pitt and the British nation, as he might reasonably have expected, Merry was delighted to find Jefferson in his most genial humor. Not a word was said about British outrages; his conversation assumed the existence of a close concert and alliance between England and the United States:¹—

“Upon my seeing the President on my return to this place a fortnight ago, he spoke to me with great frankness respecting the state of affairs between this country and Spain; saying that it was possible that the accumulation of the injuries which they had sustained might produce a resolution on the part of the Congress to resent them. With a view to the hostile situation of affairs, he lamented that unfortunately [notwithstanding] the superiority of his Majesty’s naval force and the vigilance of his officers, it had not been possible to prevent the enemy’s fleet from crossing the Atlantic. He said that this experience would render it necessary for the United States to proceed with great caution and to gain time, in order to put their principal seaports in a state of defence,

¹ Merry to Mulgrave, Nov. 3, 1805; MSS. British Archives.

for which he had already given directions. In the event of hostilities he considered that East and West Florida, and successively the Island of Cuba, the possession of which was necessary for the defence of Louisiana and Florida, as being the key to the Gulf of Mexico, would, in the manner in which that island might and would be attacked, be an easy conquest to them. He, however, expressed that his individual voice would constantly be for the preservation of peace with every Power, till it could no longer be kept without absolute dishonor."

Such speculations were not so practical as to affect Merry's antipathy to the American government, but he reported them to Lord Mulgrave without comment, as intended to express the President's plan in case of a Spanish war. Meanwhile the Secretary of State was engaged in composing a pamphlet, or book, to prove that the new rule adopted by Great Britain was an act of bad faith, in violation of international law. The task was not difficult.

Such was the diplomatic situation at Washington, Nov. 12, 1805, when the Cabinet adopted Jefferson's plan of reopening negotiations for the purchase of Florida on the line so persistently recommended by the irresponsible creatures of Talleyrand, and so steadily rejected to that moment by Madison and Monroe. Congress was to meet in three weeks, and within that time the diplomatic chaos must be reduced to order.

CHAPTER V.

AUGUST 27, 1805, President Jefferson, writing to Madison from Monticello, said :¹ " Considering the character of Bonaparte, I think it material at once to let him see that we are not of the Powers who will receive his orders." In Europe, on the same day, the Emperor broke up the camp at Boulogne and set his army in motion toward Ulm and Austerlitz. September 4 he was at Paris, busy with the thousand details of imminent war : his armies were in motion, his vast diplomatic and military plans were taking shape.

The United States minister at Paris had little to do except to watch the course of events, when during the Emperor's absence at Boulogne he received a visit from a gentleman who had no official position, but who brought with him a memorandum, written in Talleyrand's hand, sketching the outlines of an arrangement between the United States and Spain. The United States, said this paper, should send another note to the Government at Madrid, written in a tone and manner that would awaken Spain from

¹ Jefferson to Madison, Aug. 27, 1805 ; Writings, iv. 585.

her indifference. In this note the Prince of Peace should be warned of the consequences that would follow a persistence in his course, and should be encouraged to join with the United States in referring to Napoleon the matters in dispute. In case Spain would not unite in asking the good offices of France, a copy of the note must be sent by Armstrong to Talleyrand, with a request for the good offices of Napoleon. "The more you refer to the decision of the Emperor, the more sure and easy will be the settlement." If Spain, on the Emperor's representations, should consent to part with the Floridas, as she no doubt would do, France would propose the following terms: Commercial privileges in Florida as in Louisiana; the Rio Colorado and a line northwardly, including the headwaters of all those rivers which fall into the Mississippi, as the western boundary of Louisiana, with thirty leagues on each side to remain unoccupied forever; the claims against Spain, excluding the French spoliations, to be paid by bills on the Spanish colonies; and, finally, ten million dollars to be paid by the United States to Spain.

Armstrong rejected the conditions on the spot. They sacrificed, he said, the whole country between the Colorado and the Rio Bravo; abandoned the claim to West Florida, the claim to damages from the violation of *entrepôt* at New Orleans, and the claim, estimated at six millions, for French spoliations. They gave to Spain an accommodation for

her payments beyond what she herself required; and they exacted the enormous sum of ten million dollars for a barren and expensive province.

September 4, the day of Napoleon's return to Paris, a long conversation followed. On both sides vigorous argument was pressed; but the Frenchman closed by saying: "I see where the shoe pinches. It is 'the enormous sum of ten million dollars;' but say seven! Your undisputed claims on Spain amount to two and a half or three millions. The arrangement as thus altered would leave four for Spain. Is not this sum within the limits of moderation?" Armstrong replied that he had nothing to say on the money transaction, but would immediately transmit Talleyrand's memorandum to the President. His despatch on the subject was accordingly sent, Sept. 10, 1805.¹

Armstrong had little acquaintance with the person who brought the memorandum for his sole credential, and knew him only as a political agent of the government, who rested his claim to credit not on any authority from the Emperor, but on an unsigned document in Talleyrand's handwriting. "This form of communication he said had been preferred on account of greater security; it was a proof of the minister's habitual circumspection, and of nothing else." To most Frenchmen it might have seemed rather an example of Talleyrand's sup-

¹ Armstrong to Madison, Sept. 10, 1805; MSS. State Department Archives.

posed taste for jobbery, and the United States government had reason to know what was likely to be the outcome of such overtures ; but Armstrong was not unused to intrigue, and did not affect virtue above the comprehension of the society in which he lived.

A fortnight afterward the Emperor left Paris for his campaign in Germany. While Armstrong's despatch was still on its way to Washington, Napoleon captured Ulm, and November 13 entered Vienna. On the same day the despatch reached the United States.

Jefferson's Cabinet council of November 12 had barely come to its long-disputed conclusion, and decided to reopen the Florida negotiation as a French bargain, when Talleyrand's memorandum arrived, fixing definitely his terms. Naturally, the President supposed that Florida might thenceforward be looked upon as his own. At the next Cabinet he laid Armstrong's letter before the four secretaries ; and the result of their deliberation was recorded in his own hand : ¹ —

“November 19. Present the same. — Since our last meeting we have received a letter from General Armstrong containing Talleyrand's propositions, which are equivalent to ours nearly, except as to the sum, he requiring seven million dollars. He advises that we alarm the fears of Spain by a vigorous language and conduct, in order to induce her to join us in appealing to the inter-

¹ Cabinet Memoranda ; Jefferson's Writings (Ford), i. 309.

ference of the Emperor. We now agree to modify our propositions, so as to accommodate them to his as much as possible. We agree to pay five million dollars for the Floridas as soon as the treaty is ratified by Spain, a vote of credit obtained from Congress, and orders delivered us for the surrender of the country. We agree to his proposition that the Colorado shall be our western boundary, and a belt of thirty leagues on each side of it to be kept unsettled. We agree that joint commissioners shall settle all spoliations, and to take payment from Spain by bills on her colonies. We agree to say nothing about the French spoliations in Spanish ports which broke off the former convention. We propose to pay the five millions after a simple vote of credit, by stock redeemable in three years, within which time we can pay it. We agree to order to the commanding officer at Natchitoches to patrol the country on this side the Sabine and all the Red River as being in our possession, except the settlement of Bayou Pierre, which he is not to disturb unless they aggress; he is to protect our citizens and repel all invasions of the preceding country by Spanish soldiers; to take all offenders without shedding blood, unless his orders cannot otherwise be executed."

At last, after more than six months of hesitation, a Spanish policy was fixed; and since it conceded every point which had been required by France, the President might reasonably hope that his difficulties were at an end. He did not venture to send instructions to Armstrong at once, because the authority of Congress was needed before pledging the government to pay so large a sum of money; but Congress was to meet within a few weeks, and Jefferson could

safely assume that the instructions would not be delayed beyond the New Year.

The President was greatly relieved to see the end of this annoying imbroglio; the more, because he could no longer shut his eyes to the conduct of Great Britain. The merchants of Boston, New York, Philadelphia, and Baltimore were frantic with rage and despair, hearing every day of new seizures, which swelled their losses to a sum then quite appalling, and carried ruin to their fairest fortunes. The carrying-trade was not a matter about which Jefferson cared to quarrel, for he held that Americans should not meddle with a commerce which did not belong to them; yet the public anger was far stronger against England than against Spain, and although the newspapers talked incessantly of a Spanish war, Jefferson soon felt that he should find great difficulty in preserving a British peace. That he should incline to a war with Spain in alliance with England was natural; but under no circumstances, and for no object, did Jefferson wish for war with Great Britain. From the first he had relied upon his power to coerce her by peaceable means; and the time had come when some coercion must be applied. No one could longer doubt that Pitt meant to keep what he had taken, and that the British policy was preconcerted with deliberate purpose.

When Merry next called at the State Department he heard nothing more about the misconduct of Spain or the advantages of a powerful British navy.

“The lively sensation” produced by the seizures, wrote Merry to Mulgrave,¹ December 2, “appears to have increased considerably since I had the honor of writing to your Lordship by the last mail. The commercial bodies at Philadelphia, Baltimore, and Norfolk have held public meetings on this subject, and come to resolutions to transmit to the Government of the United States particular statements of the injuries they allege to be sustaining daily in their trade. I am sorry to add that those public prints which are considered as the organs of the Government . . . have of late lost sight in a great measure of their complaints against Spain, with a view, as may be suspected, to excite and direct the whole national indignation against Great Britain. . . .

“In addition, my Lord, to these circumstances, I have been sorry to find in my recent conversations with Mr. Madison that he has treated this subject in a much more serious light than he had at first represented it to me. At my last interview with him, two days ago, he said that he had flattered himself that Mr. Monroe’s remonstrances to your Lordship would not only have produced the liberation of all the vessels which should have been detained previously to the 1st November, but that, as that minister had been promised an answer in writing to his representations, the reconsideration of the matter which would probably have taken place before a written answer was given might have induced his Majesty’s government, if not to give up entirely, at least to modify to a tolerable degree, the principle upon which they acted. It was true that the answer in question had not as yet reached him, nor had he heard lately from Mr. Monroe; but he had recently received information from an authentic

¹ Merry to Mulgrave, Dec. 2, 1805; MSS. British Archives.

though not an official quarter, which gave him the strongest reason to apprehend that if any reply at all in writing should be made on the subject, it would contain nothing satisfactory."

Madison raised his tone awkwardly. Mysterious "information from an authentic quarter" was scarcely sufficient ground for so abrupt a change, but Merry failed to press him on this point. The secretary told the British minister that the government of England had committed "an act of commercial hostility on this country, and that the citizens of the United States would have a just claim of indemnity for whatever effective losses they might sustain in consequence of it; and he feared that these would be very considerable." He hinted that measures would be taken to seek redress; and although he did not then foreshadow these measures, Merry read two days afterward in the "National Intelligencer" the Resolutions and speech in which Madison, in the year 1794, had urged commercial restrictions as the true policy of the United States against the same British outrages. The motive of republication was plain.

At about the same time Madison finished his pamphlet called "Examination of the British Doctrine," which in the course of the coming session was laid on the desk of every senator and member. The book was creditable to his literary and scholarly qualities. Clear, calm, convincing, it left the British government no excuse for its conduct; but, not without reason,

John Randolph objected that as an argument it was but a shilling pamphlet against eight hundred British ships of war. That Pitt could occasionally be convinced of his mistakes was certain; but no reasoners except Napoleon and Moreau had ever effectually convinced him.

Meanwhile the President prepared his Message. Of all Jefferson's writings none had a livelier interest than the Annual Message at the meeting of the Ninth Congress. The Second Inaugural, nine months before, prepared the public for new political opinions; but the Message surprised even those who looked for surprises. The Second Inaugural seemed to sweep old Republican principles to the common rubbish-heap of out-worn political toys. The Message went even further, and seemed to announce that the theory of foreign affairs on which the Republican Administration began its career must be abandoned. Jefferson intended it to carry such a meaning.

"The love of peace," he wrote to one of his old friends,¹ "which we sincerely feel and profess, has begun to produce an opinion in Europe that our government is entirely in Quaker principles, and will turn the left cheek when the right has been smitten. This opinion must be corrected when just occasion arises, or we shall become the plunder of all nations. The moral duties make no part of the political system of those governments of Europe which are habitually belligerent."

¹ Jefferson to Judge Cooper, Feb. 18, 1806; Jefferson MSS.

The Message began by an allusion to the yellow fever; from which it quickly turned to discuss the greater scourge of war:—

“Since our last meeting the aspect of our foreign relations has considerably changed. Our coasts have been infested and our harbors watched by private armed vessels; some of them without commissions, some with illegal commissions, others with those of legal form, but committing piratical acts beyond the authority of their commissions. . . . The same system of hovering on our coasts and harbors, under color of seeking enemies, has been also carried on by public armed ships, to the great annoyance and oppression of our commerce. New principles, too, have been interpolated into the law of nations, founded neither in justice nor the usage or acknowledgment of nations. . . . With Spain our negotiations for a settlement of differences have not had a satisfactory issue. . . . Propositions for adjusting amicably the boundaries of Louisiana have not been acceded to. . . . Inroads have recently been made into the territories of Orleans and the Mississippi; our citizens have been seized and their property plundered in the very parts of the former which had actually been delivered up by Spain, and this by the regular officers and soldiers of that government. I have therefore found it necessary at length to give orders to our troops on that frontier to be in readiness to protect our citizens and to repel by arms any similar aggressions in future. Other details necessary for your full information of the state of things between this country and that shall be the subject of another communication. In reviewing these injuries from some of the belligerent Powers, the moderation, the firmness, and

the wisdom of the Legislature will all be called into action. We ought still to hope that time, and a more correct estimate of interest as well as of character, will produce the justice we are bound to expect; but should any nation deceive itself by false calculations, and disappoint that expectation, we must join in the unprofitable contest of trying which party can do the other the most harm. Some of these injuries may perhaps admit a peaceable remedy. Where that is competent it is always the most desirable. But some of them are of a nature to be met by force only, and all of them may lead to it."

From this preamble the public would naturally infer that measures of force were to be the object of the special message promised in regard to Spanish aggressions. As though to leave no doubt on the subject, the President urged the fortification of sea-ports, the building of gun-boats, the organization of militia, the prohibition of the export of arms and ammunition; and added that the materials for building ships of the line were on hand.

All this formality of belligerent language was little better than comedy. Jefferson could hardly be charged with a wish to deceive, since he could not wear the mask of deception. Both friends and enemies were amused to see how naturally he betrayed objects which his plan required should be concealed. In the first draft of the Message, sent for correction to Gallatin, the financial prospect was as pacific as the diplomatic was warlike; the Message not only announced a surplus for the coming year, but sug-

gested the reduction of taxes. Gallatin pointed out that the English seizures alone would affect the revenue, and any measure of retaliation would still further diminish it; while the navy had increased its estimates from six hundred and fifty thousand dollars to one million and seventy thousand dollars. As for the hint at a reduction of taxes, Gallatin at once struck it out.¹ "As it relates to foreign nations, it will certainly destroy the effect intended by other parts of the Message. They never can think us serious in any intentions to resist, if we recommend at the same time a diminution of our resources." The President made these corrections, and returned the draft for revision, with a note:² —

"On reviewing what had been prepared as to Great Britain and Spain, I found it too soft toward the former compared with the latter, and that so temperate a notice of the greater enormity of British invasions of right might lessen the effect which the strong language toward Spain was meant to produce at the Tuileries. I have therefore given more force to the strictures on Britain."

In studying "the effect which the strong language toward Spain was meant to produce at the Tuileries," Jefferson had in mind the effect which his strong language produced at the Tuileries in 1803.

¹ Gallatin to Jefferson, Nov. 21, 1805; Gallatin's Writings, i. 261.

² Jefferson to Gallatin, Nov. 24, 1805; Gallatin's Writings, i. 264.

He played a game of finesse hardly safe in the face of men like Godoy, Talleyrand, and Napoleon, whose finesse was chiefly used to cover force, and was not betrayed or derided by factious opposition in the press. Besides being unsafe, it was unfair to himself. Jefferson was an honest man, and in putting on the outward appearance of a Talleyrand, he resembled an amateur imitating Talma and Garrick. Gestures and tones alike were unnatural, awkward, and false; they exposed him to ridicule. If President Jefferson had taken the public into his confidence, he would have told the people that under no circumstances would he consent to war; but that if the great Powers of Europe combined to injure America, she would close her ports, abandon her commerce, shut herself within her own continent, and let the world outside murder and rob elsewhere. Such an avowal implied no disgrace; the policy it proclaimed was the alternative to war; and as the radical doctrine of the Republican party, the course was not only that which Jefferson meant to take, but it was that which he took. The avowal might have invited aggression, and have been followed by failure; but he would have done better to fail on a direct issue of principle, than to fail after evading the issue until the issue itself was lost.

To carry out his scheme, the President put forward two policies, — a public and a secret; or, as he called it, an ostensible and a real one. The warlike recommendations of the Annual Message were the public

and ostensible policy; the real one was to be expressed in a secret message, announced in advance. To this coming message the President next turned his attention; but he found himself quickly involved in complications of his own creating. He had not only to recommend a double series of measures to Congress, but he had to frame a double series of replies which Congress was to return to him. He tried at first to combine the two answers in one. After writing a secret message asking for money to buy Florida, he drafted a series of Resolutions¹ which Congress was to adopt in reply to both messages at once, and in which "the citizens of the United States, by their Senate and Representatives in Congress assembled, do pledge their lives and fortunes" to maintain the line of the Sabine and the free navigation of the Mobile, pending negotiations, while the President should be authorized to take whatever unappropriated moneys might lie in the Treasury in order to carry these Resolutions into effect.

Clearly this would not do; and Gallatin undertook to set the matter right.

"The apparent difficulty in framing the Resolutions," he wrote to the President,² "arises from the attempt to blend the three objects together. The same reasons which have induced the President to send two distinct

¹ Jefferson to Gallatin: Spanish Resolutions, 1805; Gallatin's Writings, i. 277.

² Gallatin to Jefferson, Dec. 3, 1805; Gallatin's Writings, i. 278.

messages render it necessary that the public Resolutions of Congress should be distinct from the private ones; that those which relate to the war posture of the Spanish affairs, which are intended to express the national sense on that subject, and to enable the President to take the steps which appear immediately necessary on the frontier, should not be mixed with those proceedings calculated only to effect an accommodation."

The Secretary of the Treasury frequently corrected his chief, and still more frequently hinted a correction. Only a few days had passed since Jefferson had spoken to Gallatin of the "strong language toward Spain" as "meant to produce an effect at the Tuileries." Gallatin ignored this object, and spoke of the strong language toward Spain as intended to express the national sense, and as restricted in its bearing to the steps immediately necessary for protecting the frontier. The difference was worth noting. Evidently Gallatin felt no great confidence in producing an effect on the Tuileries.

"The course now recommended," he continued, "is precisely that which was followed in the Louisiana business when the deposit was withdrawn. A public Resolution . . . was moved by Randolph, and adopted by the House. A committee in the mean while brought in a confidential report sufficient to support and justify the President in the purchase he was going to attempt, and to this an appropriation law in very general terms was added. To follow a similar course appears not only best, but will also, as founded on precedent, be the smoothest mode of doing the business in Congress."

The President adopted Gallatin's suggestions.¹ The double messages breathing war and peace were prepared. The double answers were sketched out. Congress had only to act with the same quickness and secrecy which it had shown in the Louisiana business ; and of its readiness to do so, no one in the Cabinet seemed to doubt.

Yet nations could not so readily as individuals swing about on a course opposite to that which they had been led to expect. The American public had been wrought to anger against Spain. Of the negotiations little was publicly known. Monroe had come, and gone ; the Marquis Yrujo had remonstrated, and had written in newspapers ; but the rights and wrongs of the Spanish dispute remained a mystery to the public at large, which knew only that Spain had rejected all the offers made by the United States, had resumed her depredations on American commerce, and had taken a menacing attitude at Mobile and on the Sabine. Throughout the year the Republican press had followed hints from the Government at Washington, all looking toward a rupture with Spain. The same newspapers had shown at first a wish to make light of the late British seizures,—a course which misled the Federalist press into denunciations of England such as would never have been risked had the party in power not seemed disposed to apologize for England's conduct. The country at large

¹ Jefferson to Gallatin, Dec. 4, 1805; Gallatin's Writings, i. 281.

was prepared to hear the President advise a rupture with Spain, and upon that rupture to found his hope of success in negotiating with Pitt. The warlike tone of the Annual Message was certain to give additional strength to this expectation; and Jefferson might have foreseen that the sudden secret change of tone to be taken immediately afterward in the special message on Spanish affairs would produce bewilderment among his followers.

No one could doubt where the confusion would first appear. The last session had ended in a series of quarrels, in which party distinctions had been almost forgotten. The summer had done nothing to reunite the factions; on the contrary, it had done much to widen the breach. Already the "Aurora" announced that the Yazoo question was to determine "the relations, the principles, the characters, and the strength of parties in the next session of Congress;" and the public knew that the Yazoo question had passed beyond the stage of rational argument, and had become the test of personal devotion, the stepping-stone to favor or proscription with the next President. Three years before the election of 1808 Congress was already torn by a Virginia feud,—a struggle for power between John Randolph and James Madison.

As though to hurry and prolong this struggle, Jefferson announced, after his second inauguration, that he should retire at the close of his term, March 4, 1809. Without expressly recommending Madison as his successor, his strong personal attachment insured

to the Secretary of State the whole weight of Executive influence. The whole weight was needed. The secretary, with all his amiable qualities, was very far from controlling the voice of Virginia. His strength lay rather among the Northern democrats, semi-Federalists, or "Yazoo men," as they were called, who leaned toward him because he, of all the prominent Virginians, was least Virginian. His diplomatic triumph in buying Louisiana had given him an easy advantage over his rivals; but even his reputation might sink with the failure of the Spanish treaty and the aggression of England.

No one who knew the men, or who had followed the course of President Jefferson's first Administration, could feel surprise that Madison's character should act on John Randolph as an irritant. Madison was cautious, if not timid; Randolph was always in extremes. Madison was apt to be on both sides of the same question, as when he wrote the "Federalist" and the Virginia Resolutions of 1798; Randolph pardoned dalliance with Federalism in no one but himself. Madison was in person small, retiring, modest, with quiet malice in his humor, and with marked taste for closet politics and delicate management; Randolph was tall in stature, abrupt in manner, self-asserting in temper, sarcastic, with a pronounced taste for publicity, and a vehement contempt for those silent influences which more practical politicians called legitimate and necessary, but which Randolph, when he could not control them, called

corrupt. Jefferson soon remarked, in regard to what Randolph denounced as back-stairs influence, "We never heard this while the declaimer was himself a back-stairs man."¹ Just as the criticism was, no one could deny that Randolph seemed much out of place on the back-stairs of the White House, whereas Madison seemed to him in place nowhere else. The Spanish papers, which Randolph must read, were not likely to increase his respect for the Secretary of State; while Madison's candidacy made a counter-movement necessary for those Virginians who would not be dragged at the heels of the Northern democracy.

Long before the month of December Randolph foresaw the coming trouble. The Yazoo men in the Ninth Congress were more numerous than ever; and they were credited with the wish to eject Speaker Macon from the chair, and to put some Northern democrat in Randolph's place at the head of the Committee of Ways and Means. Oct. 25, 1805, Randolph wrote to Gallatin from Bizarre:—

"I look forward to the ensuing session of Congress with no very pleasant feelings. To say nothing of the disadvantages of the place, natural as well as acquired, I anticipate a plentiful harvest of bickering and blunders; of which, however, I hope to be a quiet, if not an unconcerned, spectator. . . . I regret exceedingly Mr. Jefferson's resolution to retire, and almost as much the premature annunciation of that determination. It

¹ Jefferson to Bidwell, July 5, 1806; Writings, v. 14.

almost precludes a revision of his purpose, to say nothing of the intrigues which it will set on foot. If I were sure that Monroe would succeed him, my regret would be very much diminished.”¹

Intrigue and dissension could not be confined to the House, but must spread to the Senate, and could hardly fail to affect even the Cabinet. While Gallatin’s personal sympathies were with Madison, his political bias was on the opposite side. The old Republicans, with John Randolph at their head, had steadily protected the Treasury from jobs and extravagance; without their help Gallatin would lie at the mercy of the Northern democrats, who were not behind the Federalists in their willingness to spend money. He might expect an alliance between the Northern democrats and the Smith faction which controlled the Navy Department. To such a combination he must have foreseen that Madison would yield.

In the face of such latent feuds nothing could be more hazardous than to spring upon Congress, in Madison’s interests, a new, tortuous, complicated Spanish policy, turning on the secret assurance that France could be bribed with five million dollars, at the moment when Congress would be required to begin a commercial war upon England. Whether Madison was responsible for these measures or not, his enemies would charge him with the responsibility; and even without such attacks from his own party, he

¹ Adams’s Randolph, p. 161.

was struggling with enemies enough to have crushed Jefferson himself.

Early in December, all the actors in the drama assembled, to play another act in a tragi-comedy of increasing interest. With his old sanguine hopes, but not with all his old self-confidence, the President watched them slowly arrive,—Democrats, Federalists, Southern Republicans, all equally ignorant of what had been done, and what they were expected to do; but more curious, better-informed, and more sharp-sighted than these, the three diplomatists, Turreau, Merry, and Yrujo, waiting with undisguised contempt to see what species of coercion was to be employed against England, France, and Spain.

To impose on hostile forces and interests the compulsion of a single will was the task and triumph of the true politician, which had been accomplished, under difficult conditions, by men of opposite characters. A political leader might be combative and despotic, or pliant and conciliatory. The method mattered little, provided it obtained success,—but success depended more on character than on manœuvres. In the winter of 1805–1806 President Jefferson dealt with a problem such as few Americans have been required to solve. Other Presidents have met with violent opposition both within and without the ranks of their party; but no other President has been obliged to face a hostile minority, together with violent factiousness in the majority, and at the same time a spirit of aggression showing itself in acts of

war from three of the greatest Powers of Europe. By what resources of skill or character President Jefferson was to restrain this disorder from becoming chaos, only a prophet could foretell. If ever the Federalist "crisis" seemed close at hand, it was in December, 1805. Some energetic impulse could alone save the country from drifting into faction at home and violence abroad.

All might go well if England, France, and Spain could be obliged to respect law. To restrain these three governments was Jefferson's most urgent need. The three envoys waited to see what act of energy he would devise to break through the net which had been drawn about him. Turreau enjoyed most of his confidence; and soon after the meeting of Congress, at the time when Jefferson was publicly using "strong language toward Spain," meant to produce an effect at the Tuileries, Turreau wrote interesting accounts of his private conversation for the guidance of Talleyrand and Napoleon:¹—

"One may perhaps draw some inferences in regard to the true sense of the Message from some words which escaped the President in a private conversation with me. 'I see with pain,' he said, 'that our people have a tendency toward commerce which no other kind of interest will be able to balance; we should be essentially agricultural, and yet agriculture will never be more than a secondary interest here.' . . . In a preceding inter-

¹ Turreau to Talleyrand, Jan. 20, 1806; Archives des Aff. Étr., MSS.

view the President invited me to a discussion of Spanish affairs. . . . After some complaints about Spanish privateers, and the protection which Spain granted to ours in particular, Mr. Jefferson expanded on the griefs of the Americans in regard to some excursions of Spanish patrols beyond the limits provisionally established, and, in consequence, within the territory of Louisiana. I replied that doubtless the Spanish government had not authorized these steps, and that the mistakes of a few subalterns could not produce serious differences between the two Powers. ‘That is true; but,’ he added, ‘these Spaniards are so stupid (*bêtes*), their government so detested,’ etc. It was not easy to contradict him on this point. As for the English, his complaints and reproaches have been much more serious. He has assured me that they have taken five hundred American ships; that they could not have done more harm had they been at war with America; yet that England would in vain try, as against the Americans, to destroy neutral rights. ‘In that respect,’ added Mr. Jefferson, ‘we have *principles* from which we shall never depart; our people have commerce everywhere, and everywhere our neutrality should be respected. On the other hand, we do not want war, — and all this is very embarrassing.’”

Turreau’s comment on these words may have affected the policy of Napoleon, as it must certainly have had weight with Talleyrand: —

“If your Excellency was not already acquainted with the man and his government, this last phrase would be enough to enable you to judge the one and the other.”

CHAPTER VI.

THE Ninth Congress met Dec. 2, 1805. During no period of eight years did Congress contain a smaller number of remarkable members than during the two administrations of Jefferson, from 1801 to 1809; and if the few Federalists in opposition were left out of view, the American people had in the Ninth Congress hardly a single representative, except John Randolph, capable of controlling any vote but his own. In the Senate, when George Clinton took his seat as Vice-President, he saw before him, among the thirty-four senators, not less than twenty-seven who belonged to his own party; yet among these twenty-seven Republican members of the Senate was not one whose name lived. Senator Bradley of Vermont exercised a certain influence in his day, like Dr. Mitchill of New York, or Samuel Smith of Maryland, or William B. Giles of Virginia, or Abraham Baldwin and James Jackson of Georgia. These were the leaders of the Senate, but they were men whose influence was due more to their office than to their genius; the Government gave them more weight than they could give back to it. Breckenridge of Kentucky had become

attorney-general, and his seat was filled by John Adair. In the whole Senate not a Republican member could be found competent to defend a difficult financial or diplomatic measure as Gallatin or Madison could have done it, or would have wished it to be done.

In the House the Administration could count upon equally little aid. Setting aside John Randolph and Joseph Nicholson, who were more dangerous than any Federalist of New England to Government, the huge Republican majority contained no man of note. Its poverty was startling. Gallatin clung to Randolph as the only member of the House competent to conduct the public business; and no small part of Randolph's arrogance toward his own followers was due to his sense of intellectual superiority, and to the constant proof that they could do no business without his aid. Randolph was rarely arrogant in the face of men whose abilities were superior to his own, or whose will was stronger; he domineered over those whom he thought his inferiors, but he liked no contest in which he saw an uncertain hope of victory. In the Ninth Congress he met no rival in his own party. Massachusetts sent a new member, from whose oratory much was expected,—a certain Barnabas Bidwell; “but as a popular speaker he never can stand as the rival of John Randolph,” was the comment of a Massachusetts senator on listening to him in the House.¹ New York, New Jersey, and Pennsylvania were repre-

¹ Diary of J. Q. Adams (March 8, 1806), i. 419.

sented by an almost solid mass of Democrats, without a single leader. Virginia and the other Southern States sent many men of excellent character and of the best social position to Washington, but not one who made a national name or who tried to master the details of public business. Perhaps the ablest new member was Josiah Quincy of Boston, whose positive temper, marked abilities, and vehement Federalism made him troublesome to the majority rather than useful in legislation.

When the House met, it proceeded at once to the election of a Speaker; and the old feuds of the last session broke out again. Fifty-four votes were required to elect; and on the first ballot Macon had but fifty-one. Twenty-seven Republicans voted for Joseph B. Varnum of Massachusetts, besides others who threw away their votes on candidates from Virginia and Pennsylvania. Only at the third ballot did Macon get a majority, and even then he received but fifty-eight votes, while the full strength of his party was more than one hundred. His first act was to reappoint Randolph and Nicholson on the Ways and Means Committee, where a place was also given to Josiah Quincy.

The President's Message was read December 3, and produced the effect to be expected. The country received it with applause as a proof of vigor. In Baltimore, and along the seaboard, it was regarded as equivalent to a declaration of war against Spain; it stopped trade, raised insurance, and encouraged

piracy. The Federalist press throughout the country, except the "Evening Post," affected to admire and praise it. "Federalism revived!" said the bitter "Washington Federalist;" "dignified, firm, and spirited." "This day we have been astonished," wrote a correspondent to the "Boston Centinel;"¹ "the President's speech is, in principle, almost wholly on the Washington and Adams system. It has puzzled the Federalists and offended many of the Democrats. It is in perfect nonconformity to all the former professions of the party." The Federalists exaggerated their applause in order to irritate John Randolph and his friends, who could not fail to see that the Message strengthened Madison at the expense of the old Republicans. Jefferson's private language was not less energetic than his public message. Among the favorite ideas which the President urged was that of claiming for America the ocean as far as the Gulf Stream, and forbidding hostilities within the line of deep-sea soundings.² One of the Massachusetts senators to whom he argued this doctrine inquired whether it might not be well, before assuming a claim so broad, to wait for a time when the Government should have a force to maintain it. The President replied by insisting that the Government, "should squint at it;"³ and he lost no chance of doing so. He assured his friends that no privateer

¹ Columbian Centinel, Dec. 21, 1805.

² Cabinet Memoranda; Jefferson's Writings (Ford), i. 308.

³ Diary of J. Q. Adams (Nov. 30, 1805), i. 376.

would ever again be permitted to cruise within the Gulf Stream.¹

Such an attitude, public and private, roused much interest. Congress waited anxiously for the promised special message on Spanish affairs, and did not wait long. December 6, only three days after the Annual Message was sent in, the special and secret message followed; the House closed its doors, and the members listened eagerly to a communication which they expected to be, what it actually was, a turning-point in their politics.

The Message² very briefly narrated the story of the unratified claims convention, ending in Monroe's diplomatic misfortunes, and announced that the Spaniards showed every intention of advancing from Texas, until they should be repressed by force.

“Considering that Congress alone is constitutionally invested with the power of changing our condition from peace to war, I have thought it my duty to await their authority for using force in any degree which could be avoided. I have barely instructed the officers stationed in the neighborhood of the aggressions to protect our citizens from violence, to patrol within the borders actually delivered to us, and not to go out of them but when necessary to repel an inroad or to rescue a citizen or his property.”

Passing next to the conduct of Napoleon, the Message mentioned the decided part taken by France

¹ Jefferson to Monroe, May 4, 1806; Writings (Ford), viii. 447.

² State Papers, ii. 613.

against the United States on every point of the Spanish dispute, —

“her silence as to the Western boundary leaving us to infer her opinion might be against Spain in that quarter. Whatever direction she might mean to give to these differences, it does not appear that she has contemplated their proceeding to actual rupture, or that at the date of our last advices from Paris her Government had any suspicion of the hostile attitude Spain had taken here. On the contrary, we have reason to believe that she was disposed to effect a settlement on a plan analogous to what our ministers had proposed, and so comprehensive as to remove as far as possible the grounds of future collision and controversy on the eastern as well as western side of the Mississippi. The present crisis in Europe is favorable for pressing such a settlement, and not a moment should be lost in availing ourselves of it. Should it pass unimproved, our situation would become much more difficult. Formal war is not necessary, it is not probable it will follow; but the protection of our citizens, the spirit and honor of our country, require that force should be interposed to a certain degree. It will probably contribute to advance the object of peace. But the course to be pursued will require the command of means which it belongs to Congress exclusively to yield or to deny. To them I communicate every fact material for their information, and the documents necessary to enable them to judge for themselves. To their wisdom, then, I look for the course I am to pursue, and will pursue with sincere zeal that which they shall approve.”

After the reading of this Message the House was more perplexed than ever. The few Federalists

sneered. The warlike tone of the Annual Message, contradicting their theory of Jefferson's character, had already ended, as they believed, in surrender. John Randolph was angry. He felt that the President had assumed, for Madison's political profit, the tone of public bravado toward England and Spain, while Congress was required to overrule Madison's bold policy and to impose on the country what would seem a crouching cowardice of its own. The Message was at once referred to a special committee of seven members, with Randolph at its head, his friend Nicholson second in the number, John Cotton Smith, a vigorous Federalist, coming third; while, whether the Speaker intended it or not, the only person in the committee on whom the President could depend for useful service was Barnabas Bidwell, the new member from Massachusetts. Bidwell's conversion from Federalism was but recent, and neither his Federalism nor his democracy was of a kind that Randolph loved.

To this point the Louisiana precedent was closely followed, and Randolph seemed to have no excuse for refusing to do in 1805 what he had done in 1802; yet nothing could be surer than that the Randolph of 1805 was a very different man from the Randolph of three years before, as the Republican party of 1805 widely differed from the party which first elected Jefferson to the Presidency. No double-dealing, hesitation, or concealment was charged against Randolph. According to his own

story, he called upon the President immediately, and learned, not without some surprise, that an appropriation of two millions was wanted to purchase Florida. He told the President without reserve "that he would never agree to such a measure, because the money had not been asked for in the Message; that he could not consent to shift upon his own shoulders or those of the House the proper responsibility of the Executive; but that even if the money had been explicitly demanded, he should have been averse to granting it, because, after the total failure of every attempt at negotiation, such a step would disgrace us forever," — with much more to the same effect, which was mildly combated by Jefferson.¹

The next day, December 7, the committee met, and Randolph, as he probably expected, found that Bidwell alone intended to support the Administration. Bidwell did not venture to act as the direct mouthpiece of the President, but undertook on his own authority to construe the Message as a demand for money, and proposed a grant to that effect. The rest of the committee gravely followed Randolph in professing to find no such meaning in the Message; Bidwell's motion had no supporter, and was promptly overruled. Jefferson's labored Resolutions, which Nicholson carried in his pocket for the committee to adopt, were suppressed; Nicholson returned them the next day

¹ First Letter of Decius, in the "Richmond Enquirer," August, 1806.

to Gallatin, with a brief expression of his own decided disapproval.¹

The committee separated, not to meet again for a fortnight; but during the following week Randolph had several interviews with the President and Secretary of State. Madison told him "that France would not permit Spain to adjust her differences with us; that France wanted money, and that we must give it to her, or have a Spanish and French war."² If Madison said this he told the truth. Randolph made an unfair use of the confidential words; for he proclaimed them as his excuse for declaring a public and personal war on the Secretary of State, which he waged thenceforward in a temper and by means so revolting as in the end to throw the sympathies of every unprejudiced man on the side of his victim.

"From the moment I heard that declaration," said Randolph afterward, "all the objections I originally had to the procedure were aggravated to the highest possible degree. I considered it a base prostration of the national character to excite one nation by money to bully another nation out of its property; and from that moment, and to the last moment of my life, my confidence in the principles of the man entertaining those sentiments died, never to live again."

These words would have carried more conviction had Randolph's quarrel with Madison not been of

¹ Nicholson to Gallatin, Dec. 8, 1805; Gallatin MSS.

² Decius, No. 1; Randolph's speech of April 5, 1806; *Annals of Congress*, 1805-1806, pp. 984-985.

much older date. In truth he wanted a means to break down the secretary's chance of election as President, and he thought to find it here. As he said openly in Congress and in the press, "his confidence in the Secretary of State had never been very high, but now it was gone forever."¹

The serious charge against Madison was one which Madison alone could reveal. Down to October 23 he had held Randolph's view and had protested against turning the Spanish negotiation into a French job. He could hardly blame Randolph for adhering to an opinion which had been held by President and Cabinet until within a few weeks, when they had abandoned it without explanation or excuse.

Stubbornly refusing to act, Randolph, December 14, mounted his horse and rode to Baltimore, leaving the President for the moment helpless. Every hour's delay shook party discipline, and imperilled Armstrong's success. The President appealed to Nicholson; but Nicholson also disliked the intended policy, and could be persuaded to use his influence only so far as would enable the committee to act, with the understanding that its action would be adverse to the President's wishes. Although the situation was still secret, it threatened to become scandalous, and soon became so altogether.

December 21 Randolph returned. As he dismounted at the Capitol, he was received by Nicholson, who told him of the irritation which his delay had

¹ Decius, No. 1.

caused. The committee was instantly called together. As Randolph went to the committee-room he was met by Gallatin, who put into his hands a paper headed, "Provision for the purchase of Florida." Although Gallatin's relations with Randolph were friendly, they did not save the Secretary of the Treasury from a sharp rebuff. Randolph broke out roughly: he would not vote a shilling for the purchase of Florida; the President should not be allowed to throw upon Congress the odium "of delivering the public purse to the first cut-throat that demanded it;" on the record the Executive would appear as recommending manly and vigorous measures, while Congress would appear as having forced him to abandon them, when in fact it was acting all the while at Executive instigation; "I do not understand this double set of opinions and principles,—the one ostensible, the other real: I hold true wisdom and cunning to be utterly incompatible." With this sweeping censure of President, Cabinet, and party, Randolph turned his back on Gallatin and walked to the committee-room. There he had no trouble in carrying matters with a high hand. Instead of recommending an appropriation, the committee instructed Randolph to write to the Secretary of War asking his opinion what force was needed to protect the Southern frontier.

Christmas was then at hand, and not a step had yet been taken. Unless the spirit of faction could be crushed, not only was the fate of Madison sealed, but the career of Jefferson himself must end in

failure. Nothing could be done with Randolph, who in a final interview at the White House, flatly declared "that he too had a character to support and principles to maintain," and avowed his determined opposition to the whole scheme of buying Florida of France. Jefferson, little as he liked to quarrel, accepted the challenge. Negotiations then ceased, and a party schism began.

If Randolph could not be overcome in debate, he might at least be overborne by numbers; if the best part of the old Republican party went with him, the rank and file of Northern and Western democrats would remain to support the Administration. Once more the committee was called together. Bidwell moved to appropriate two millions for foreign relations; the majority rejected his motion and adopted a report echoing the warlike tone of the President's public message, and closing with a Resolution to raise troops for the defence of the Southern frontier "from Spanish inroad and insult, and to chastise the same." This report was laid before the House by Randolph Jan. 3, 1806, when two additional Resolutions were immediately moved, — one appropriating money for extraordinary expenses in foreign intercourse, the other continuing the Mediterranean Fund for a new term of years; and the three Resolutions were referred to the House in Committee of the Whole, with closed doors.

Monday, Jan. 6, 1806, the debate began; and throughout the following week the House sat in secret

session, while Randolph strained every nerve to break the phalanx of democrats which threatened to overwhelm him. Perpetually on the floor, he declaimed against the proposed negotiation at Paris ; while Nicholson, unwillingly consenting to vote for the two millions, said openly that he hoped in God the negotiation would fail. When at length a vote could be reached, the Administration carried its point, — seventy-two members supporting the President, against a minority of fifty-eight ; but in this minority was included no small number of the most respectable Republicans. Twelve of the twenty-two Virginia members broke away from the President ; and for the first time in a struggle vital to Jefferson's credit, more than half the majority consisted of Northern men.

The House having recovered control of the matter, thrust Randolph aside, rapidly passed a Bill appropriating two million dollars for extraordinary expenses in foreign relations, and Jan. 16, 1806, sent it to the Senate by a vote of seventy-six to fifty-four. It was accompanied by a secret message explaining that the money was intended for the purchase of Spanish territory east of the Mississippi. The Senate closed its doors, and with the least possible debate, Feb. 7, 1806, passed the bill, which, February 13, received the President's approval. Not until March 13,¹ six months after Armstrong's despatch had been

¹ Madison to Armstrong and Bowdoin, March 13, 1806 ; State Papers, iii. 539.

written, did Madison at length send to Paris a public authority for Armstrong to offer France five million dollars for Florida and Texas to the Colorado, — an authority which should have been secret and prompt, to be worth sending at all.

Jefferson carried his point; he won a victory over Randolph, and silenced open resistance within the party; but his success was gained at a cost hitherto unknown in his experience. The men who were most obedient in public to his will growled in private almost as fiercely as Randolph himself. Senator Bradley made no secret of his disgust. Senator Anderson of Tennessee frankly said that he wished the Devil had the Bill; that the opposition did not half know how bad it was; that it was the most pernicious measure Jefferson had ever taken; "but so it was, so he would have it, and so it must be!"¹ Three Republican Senators — Bradley, Logan, and Mitchill — absented themselves at the final vote; four more — Adair, Gilman, Stone, and Sumter — voted against the Bill, which on its third reading obtained only seventeen voices in its favor against eleven in opposition. Worse than this, the malcontents felt that for the first time in the history of their party the whip of Executive power had been snapped over their heads; and, worst of all, the New England Federalists took for granted that Jefferson had become a creature of Napoleon. Of all political ideas that could gain a lodgment in the public mind, this last was the most fatal!

¹ Diary of J. Q. Adams (Feb. 8, 1806), i. 405.

That either Jefferson or Madison was led by French sympathies has been shown to be untrue. Both of them submitted to the violence of all the belligerents alike, and their eagerness for Florida caused them by turns to flatter and to threaten Spain, France, and England; but not even for the sake of Florida would they have taken either a direct or an indirect part with France. Their unwillingness to offend Napoleon rose not from sympathy with him, but from the conviction that he alone could give Florida to the United States without the expense and losses inevitable in a war. Unhappily the public knew little of what President Jefferson had done or was doing; and another piece of legislation, carried through Congress at the same moment with the "Two-million Act," went far to fix the Federalists in their belief that the Administration obeyed the beck and call of the French Emperor.

The Annual Message made no allusion to St. Domingo; no public announcement had been given that the Executive wished for further legislation in regard to its trade, when, Dec. 18, 1805, Senator Logan of Pennsylvania brought forward a Bill to prohibit the trade altogether. That he acted without concert with Madison was not to be conceived. Logan privately admitted as his only object the wish of enabling Madison to tell the French government that the trade was forbidden, and that the merchants who carried it on did so at their own peril.¹ The Federalist senators opposed the Bill, and were joined by several Republi-

¹ Diary of J. Q. Adams (Jan. 15, 1806), i. 383.

cans. General Smith and Dr. Mitchill spoke against it. The opposition showed that the measure would sacrifice several hundred thousand dollars of revenue; that it would close the last opening which the new British policy left for American commerce with the West Indies; that it would throw the commerce with St. Domingo wholly into British hands; that it was an attempt to carry out French objects by American legislation, which would endanger the property and lives of American citizens in the island; and finally, that it was done in obedience to Napoleon's orders. December 27 the Senate called for the diplomatic correspondence on the subject, and the President communicated the extraordinary notes in which Talleyrand and Turreau declared that the commerce "must" not continue. The Senate received this mandate without protest or remonstrance; and after a long debate passed the Bill, Feb. 20, 1806, by a party vote of twenty-one to eight. Of the twenty-seven Republican senators, Stone of North Carolina alone voted against it. Amid execrations against the Haytian negroes, the Bill was next forced through the House almost without debate, and Feb. 28, 1806, received the President's signature.

This law,¹ limited to one year, declared that any American vessel "which shall be voluntarily carried, or shall be destined to proceed" to St. Domingo should be wholly forfeited, ship and cargo. Passed

¹ Act of Feb. 28, 1806; *Annals of Congress*, 1805-1806, p. 1228.

in consequence of Napoleon's positive order, communicated by the President to Congress as though to overawe objection, the Act violated the principles of international law, sacrificed the interests of Northern commerce, strained the powers of the Constitution as formerly construed by the party of States-rights, and, taken in all its relations, might claim distinction among the most disgraceful statutes ever enacted by the United States government. Nevertheless, this measure, which bore on its face the birth-mark of Napoleonic features, did in fact owe its existence chiefly to a different parentage. In truth, the Southern States dreaded the rebel negroes of Hayti more than they feared Napoleon. Fear often made them blind to their own attitudes; in this instance it made them indifferent to the charge of servility to France. The opportunity to declare the negroes of Hayti enemies of the human race was too tempting to be rejected; and not only did the Southern Republicans eagerly seize it, but they persuaded their Northern allies to support them. John Randolph himself, though then wearying the House day after day with cries that Madison had sold the honor of the United States to France, never alluded to this act of subservience, which would have made any other Administration infamous, and quietly absented himself at the vote, that he might seem neither to obey Bonaparte's mandate nor to oppose the Bill. Of the twenty-six voices against it, nearly all were Federalists; yet in this curious list, side by side with Josiah Quincy, Samuel

Dana, and John Cotton Smith, stood the names of Jacob Crowninshield and Matthew Lyon, democrats of the deepest dye and objects of John Randolph's bitterest sneers.

The "Two-million Act" and the Act forbidding commerce with St. Domingo were measures equally necessary for the success of the Florida purchase. Without conciliating Napoleon at St. Domingo, Jefferson could not expect his help at Paris. These measures, together with some appearance of military activity, completed the Executive scheme of foreign policy in regard to France and Spain; the more difficult task remained of dealing with England.

When the first news of Sir William Scott's decision in the case of the "Essex" arrived in America, the merchants were indignant; and their anger steadily rose as the confiscation of American ships became more general, until at length, in December, 1805, Stephen's pamphlet, "War in Disguise," arrived, and was reprinted in the newspapers. By the close of the year 1805 no one could longer doubt that Great Britain had, so far as suited her purposes, declared war against the United States.

The issue was simple. The United States might make war in return, or submit. Any measure short of open hostilities had unquestionably been taken into Pitt's account, and would produce no effect on his policy. War alone could move him from his purpose; but war would destroy American commerce and ruin Federalist resources, while any retaliation

short of war would not only prove ineffective, but would injure the American merchants alone. Their dilemma was so unavoidable that they could not fail to be caught in it. George Cabot saw their danger from the first. Much against his will the merchants of Boston placed him upon a committee to draw a remonstrance to Congress against the British doctrine of neutral trade. "Our friend Cabot," wrote Fisher Ames,¹ "is much, too much, mortified that he is one of them. He hates hypocrisy, and respects principles; and he dreads lest the popular feeling should impel the committee to deny what he believes to be true, or to ask for what he knows to be mischievous." The Boston "Memorial,"² drawn by James Lloyd, was as cautious as popular feeling would tolerate, and asked no action from Government except the appointment of a special mission to strengthen the hands of Monroe at London; but Cabot signed it with extreme reluctance, and only with the understanding that it did not represent his personal views. The Philadelphia "Memorial" closed with stronger language, suggesting that war must be the result if Great Britain refused redress. The Baltimore "Memorial," drawn by William Pinkney, spoke in strong tones, but offered no advice. Toward the middle of January, 1806, these memorials, together with

¹ Ames to Pickering; Ames's Works, i. 342. Cf. Lodge's Cabot, p. 315.

² Boston Memorial; Annals of Congress, 1806-1809, Appendix, p. 890.

others, were sent to Congress by the President, with a Message inviting the Legislature to take the matter in hand, but offering no opinion as to the proper course to pursue.¹

The fears of George Cabot were quickly justified. He chiefly dreaded the theories of the Republican party, which in his opinion were more destructive to American commerce than the British doctrines themselves or the demands of James Stephen. Jefferson and Madison were bent on testing the theory of the first Inaugural Address,—that commerce was the handmaid of agriculture; but in the harshest application of the slave-code of South Carolina or Georgia such treatment as agriculture proposed to her handmaid would have been rejected as inhuman, for it was a slow torture.

The theory of peaceable coercion, on which Jefferson relied, had often been explained as a duel in which either side counted upon exhausting its opponent by injuring itself. As Madison once said of the British manufacturers: "There are three hundred thousand souls who live by our custom: let them be driven to poverty and despair, and what will be the consequence?" The question was more easily asked than answered, for in the actual condition of Europe economical laws were so violently disturbed that no man could venture to guess what fresh extravagance might result from new delirium; but while the three hundred thousand Englishmen

¹ Message of Jan. 17, 1806; State Papers, ii. 727.

were starving, three hundred thousand Americans would lose the profit on their crops, and would idly look at empty warehouses and rotting ships. English laborers had for many generations been obliged to submit to occasional suffering; Americans were untrained to submission. Granting that the Boston merchant, like the injured Brahmin, should seat himself at the door of the British offender, and slowly fast to death in order that his blood might stain the conscience of Pitt, he could not be certain that Pitt's conscience would be stimulated by the sacrifice, for the conscience of British Tories as regarded the United States had been ever languid. Cabot saw no real alternative between submission to Great Britain and the entire sacrifice of American commerce. He preferred submission.

The subject in all its bearings quickly came before Congress. Jan. 15, 1806, the Senate referred to a special committee that part of the President's Message which related to the British seizures. February 5, General Smith reported on behalf of the committee a series of Resolutions denouncing these seizures as an encroachment on national independence, and recommending the prohibition of British woollens, linens, silks, glass-wares, and a long list of other articles. On this Resolution the debate began, and soon waxed hot.

CHAPTER VII.

NOTHING in Jefferson's life was stranger to modern ideas of politics than the secrecy which as President he succeeded in preserving. For two months the people of the United States saw their representatives go day after day into secret session, but heard not a whisper of what passed in conclave. Angry as Randolph was, and eager as the Federalists were to make mischief, they revealed not even to the senators or the foreign ministers what was passing in the House; and the public at large, under their democratic government, knew no more than Frenchmen of their destinies of war and peace. Such a state of things was contrary to the best traditions of the Republican party: it could not last, but it could end only in explosion.

When the debate on Smith's non-importation Resolutions began in the Senate February 12, the previous struggle which had taken place over the Spanish policy and the "Two-million Act" was still a secret; Randolph's schism was unknown beyond the walls of the Capitol; the President's scheme of buying West Florida from France after having, as he maintained, bought it once already, was kept, as he wished, untold. The world knew only that some mysterious

business was afoot; and when Senator Samuel Smith's attack on trade began, the public naturally supposed it to be in some way connected with the measures so long discussed in secret session.

The President's attitude became more and more uneasy. Jefferson disliked and dreaded the point in dispute with England. The Spanish policy was his own creation, and he looked upon it with such regard as men commonly bestow upon unappreciated inventions, — he depended on its success to retrieve defeats elsewhere; but for the very reason that he exhausted his personal influence to carry the Spanish policy against opposition, he left British questions to Congress and his party. Where England was to be dealt with, Madison took the lead which Jefferson declined. For many years past Madison had been regarded as the representative of a policy of commercial restriction against Great Britain. To revive his influence, his speeches and resolutions of 1794¹ were reprinted in the "National Intelligencer" as a guide for Congress; his pamphlet against the British doctrines of neutral trade was made a political text-book; while his friends took the lead in denouncing England and in calling for retaliation. He himself lost no chance of pressing his views, even upon political opponents. "I had considerable conversation with Mr. Madison," wrote one of them February 13, "on the subjects now most important to the public. His system of proceeding toward Great Britain is to establish permanent

¹ Annals of Congress, 1793-1795, p. 155.

commercial distinctions between her and other nations, — a retaliating navigation act, and aggravated duties on articles imported from her.”¹ By his own choice, and in a manner almost defiant of failure, Madison's political fortunes were united with the policy of coercing England through restrictions of trade.

At first much was said of an embargo. Senator Jackson of Georgia, Dec. 20, 1805, declared with his usual vehemence in favor of this measure. “Not a nation,” said he, “exists which has West Indian colonies but is more or less dependent on us, and cannot do without us; they must come to our terms, or starve. On with your embargo, and in nine months they must lie at your feet!” John Randolph, sure to oppose whatever Madison wished, also looked with favor on this course. “I would (if anything) have laid an embargo,” he said.² The embargo party at best was small, and became smaller when toward the close of December, 1805, news arrived that Admiral Nelson had fought a great naval battle, October 21, against the combined French and Spanish fleets, off Cape Trafalgar, ending in a victory so complete as to leave England supreme upon the ocean. The moral effect of Nelson's triumph was great. Embargo was the last step before war, and few Americans cared to risk war with England under any

¹ Diary of J. Q. Adams (Feb. 13, 1806), i. 408.

² Randolph's Speech of March 5, 1805; *Annals of Congress*, 1805-1806, p. 571.

circumstances ; with harbors undefended and without an ally on the ocean, war was rashness which no one would face. Madison's more gentle plan of partial restrictions in trade became the Republican policy.

Even before Senator Samuel Smith reported his Resolutions, February 5, to the Senate, the British minister Merry wrote to his Government that the members most opposed to commercial restrictions, despairing of effectual resistance, would endeavor only to limit the number of articles to be prohibited, and to postpone the date on which the law should take effect, in order to send a special mission to England and negotiate an amicable arrangement. Merry added that a special mission had been under discussion from the first : —

“ But I now learn that it has been, and continues to be, opposed by the President, who wishes that Mr. Monroe . . . should continue to carry on the negotiation alone. Matters, however, being now brought to a disagreeable crisis by the clamor of the nation and the instigation of the Administration, some of the members of the Senate are, I find, endeavoring to engage the rest of their body to join them in exercising their constitutional privilege of advising the President on the occasion ; and that their advice to him will be to suspend any step that can have a hostile tendency until the experiment has been tried of an extraordinary mission.”¹

Merry was exactly informed as to the fate of General Smith's Resolutions even before they had

¹ Merry to Mulgrave, Feb. 2, 1806 ; MSS. British Archives.

been reported to the Senate. They were three in number; but only the third, which recommended non-importation, was drawn by Smith. The first and second, the work of Senator Adams of Massachusetts, were not wholly welcome either to the Administration or to the minority. The first declared the British seizures "an unprovoked aggression," a "violation of neutral rights," and an "encroachment upon national independence." The second requested the President to "demand and insist upon" indemnity, and to make some arrangement about impressments. The first Resolution, although fatal to future Federalist consistency, was unanimously adopted by the Senate, February 12, almost without debate,—even Timothy Pickering recording his opinion that the British government had encroached upon national independence. The second Resolution was criticised as an attempt at dictation to the Executive, which would give just cause of offence to the President. By this argument the Senate was induced to strike out the words "and insist;" but although the Resolution, thus altered, was weak, seven Republican senators voted against it as too strong.

The reason of this halting movement had been explained by Merry to Lord Mulgrave nearly two weeks before. The Senate stumbled over the important personality of James Monroe. The next Presidential election, some three years distant, warped the national policy in regard to a foreign encroachment. Senator Samuel Smith, ambitious to distinguish him-

self in diplomacy, having failed to obtain the mission to Paris, wished the dignity of a special envoy to London, and was supported by Wilson Cary Nicholas. The friends of Madison were willing to depress Monroe, whom John Randolph was trying to elevate. Even Mrs. Madison, in the excitement of electioneering, allowed herself to talk in general society very slightly of Monroe;¹ and there were reasons which made interference from Mrs. Madison peculiarly irritating to Monroe's friends.² Dr. Logan, the senator from Pennsylvania, while helping Madison to satisfy Napoleon in regard to St. Domingo, was prominent in suggesting that it would be well to set Monroe gently aside.³ This coalition of Madison, Smith, Logan, and Wilson Cary Nicholas was so strong as to control the Senate.

The second Resolution was adopted Feb. 14, 1806; and a week afterward, General Smith and Dr. Mitchell were appointed a committee to carry the two Resolutions to the White House. Two years later, in response to Monroe's complaints, President Jefferson explained how these senators managed to impose on the Executive a policy of their own.

"After delivering the Resolutions," said Jefferson⁴ in an aggrieved tone, "the committee entered into free conversation, and observed that although the Senate could

¹ Diary of J. Q. Adams (March 13, 1806), i. 420.

² Adams's Randolph, p. 203.

³ Diary of J. Q. Adams (Feb. 1, 1806), i. 395.

⁴ Jefferson to Monroe, March 10, 1808; Works, v. 253.

not in form recommend any extraordinary mission, yet that as individuals there was but one sentiment among them on the measure, and they pressed it. I was so much averse to it, and gave them so hard an answer, that they felt it and spoke of it. But it did not end here. The members of the other House took up the subject and set upon me individually, and these the best friends to you as well as myself, and represented the responsibility which a failure to obtain redress would throw on us both, pursuing a conduct in opposition to the opinion of nearly every member of the Legislature. I found it necessary at length to yield my own opinion to the general sense of the national council, and it really seemed to produce a jubilee among them."

Jefferson saw his most devoted followers waver in their allegiance, and was reduced to temporize in order to avoid worse evils. General Smith in the Senate seemed interested in embarrassing him. If Smith could not be minister to England, he was bent upon becoming minister to France. Armstrong had challenged attack by his management of American claims before the French commission, and had written to the French government an indiscreet letter against a certain claim made by a firm of Nicklin & Griffith, of Philadelphia. When the President nominated him as special minister, with Bowdoin, to conduct the new Florida negotiation, a strong opposition appeared in the Senate, at the head of which was General Smith. March 17 the vote was taken; the Senate was equally divided, fifteen to fifteen, and Vice-President Clinton's voice alone saved Armstrong from rejection. Had

the Senate been left to follow out its own aims, the President's authority might perhaps have been shaken, and a period of faction might have followed; but fortunately for the President and for the Secretary of State, among the enemies with whom they had to deal was one whose temper passed the bounds of common-sense.

Until the month of March, 1806, Randolph's opposition was confined to Spanish affairs in secret session. The House was even slower than the Senate to take up the matter of British relations. Dec. 4, 1805, the subject was referred to the Committee of Ways and Means. Jan. 17, 1806, another message was sent to the same committee; but day after day passed without bringing a report from Randolph, until Smilie of Pennsylvania moved to discharge the Committee of Ways and Means in order to bring the subject before the House in Committee of the Whole. Randolph was ill and absent when the House, Jan. 29, 1806, decided to take the matter from his hands.

On the same day Andrew Gregg, a member from Pennsylvania, moved a Resolution forbidding the importation of all goods the growth or product or manufacture of Great Britain. Still the House left the subject without decision or discussion. February 10 Joseph Nicholson introduced another Resolution, which came probably from Gallatin. Gregg's non importation measure would cost the Treasury five million dollars a year, and Gallatin preferred a less sweeping prohibition. Even Senator Smith's scheme

was too strong for Nicholson, who pointed out that coarse woollens, Jamaica rum, Birmingham hardware, and salt were necessities with which America could not supply herself, nor could any nation except England supply her. Nicholson's Resolution prohibited only such British goods as might be replaced by other nations than England, or might be produced at home, — manufactures of leather, tin, brass, hemp, flax, silk ; high-priced woollens ; woollen hosiery ; glass, silver, and plated ware, paper, pictures, prints, — a formidable list of articles, which if not, like Jamaica rum, necessary to America, were essentials to civilized existence.

Other Resolutions were introduced, but those of Gregg and Nicholson by common consent maintained pre-eminence ; and between the policies marked by them as complete or partial non-importation Congress had to decide. Although the subject was before the House, the month of February passed without debate. Not until March 5, 1806, did Gregg call up his Resolution. In doing so, he made a speech studiously moderate. He seemed disinclined to defend the carrying-trade, and abstained from treating the British seizures as cause for war, but rather threw the weight of his argument on the manifest outrage of impressments ; yet even this he treated as though it were a question of unfriendly fiscal regulation.

“ I have no apprehension whatever of a war,” he said, “ Great Britain is too well versed in the business of calculation, and too well acquainted with her own interest,

to persevere in this lawless system at the hazard of losing customers whose annual purchases of her manufactures and other merchandise exceeds, I believe, thirty millions of dollars."

Gregg would not endanger peace, but he would say to Great Britain, —

"in this mild and moderate, though manly and firm, language: 'You have insulted the dignity of our country by impressing our seamen and compelling them to fight your battles against a Power with whom we are at peace; you have plundered us of much property by that predatory war which you authorize to be carried on against our commerce. To these injuries, insults, and oppression we will submit no longer. . . . If you persist in your hostile measures, if you absolutely refuse acceding to any propositions of compromise, we must slacken those bonds of friendship by which we have been connected. You must not expect hereafter to find us in your market purchasing your manufactures to so large an amount.' This is their vulnerable part; by attacking them in their warehouses and workshops, we can reach their vitals."

If Pitt should retaliate, Gregg would go further; he would confiscate all the private property belonging to British subjects on which he could lay his hands, treaty stipulations to the contrary notwithstanding.

The Pennsylvanian contented himself with pacific measures, and his oratory had the merit of consistency with his party doctrines and principles; but the democracy of Massachusetts, which would never understand or obey the theories of Virginia and Penn-

sylvania, could not rest content with Gregg's Quaker ideas.

“After the course we are now taking,” said Crowninshield, “should Britain persist in her captures and in her oppressive treatment of our seamen, and refuse to give them up, I would not hesitate to meet her in war. But, as I observed before, I do not believe Great Britain will go to war. Our trade is too valuable to her. She knows, too, that in such an event she will lose her eastern provinces; the States of Vermont and Massachusetts will ask no other assistance than their own militia to take Canada and Nova Scotia. Some of her West Indian islands will also fall. She knows also other things. Her subjects own sixteen millions of the old public debt of the United States, eight millions of the Louisiana stock, and three or four millions bank stock, and have private debts to the amount of ten or twelve millions, — amounting in the whole to nearly forty millions of dollars. Will Great Britain, by going to war, risk her provinces and this large amount of property? I think she will not put so much to hazard.”

When Crowninshield sat down, John Randolph took the floor. In Randolph's long career of oratorical triumphs, no such moment had offered itself before, or was to occur again. Still in Virginian eyes the truest and ablest Republican in Congress, the representative of power and principle, the man of the future, Randolph stood with the halo of youth, courage, and genius round his head, — a sort of Virginian Saint Michael, almost terrible in his contempt for whatever seemed to him base or untrue.

He began by saying that he entered on the subject "manacled, handcuffed, and tongue-tied;" his lips were sealed; he could but "hobble over the subject as well as his fettered limbs and palsied tongue would enable him to do it;" and with this preamble he fell upon Gregg and Crowninshield:¹—

"It is mere waste of time to reason with such persons; they do not deserve anything like serious refutation. The proper arguments for such statesmen are a strait-waistcoat, a dark room, water-gruel, and depletion."

The proposed confiscation of British property called out a sneer at Crowninshield:—

"God help you if these are your ways and means for carrying on war! if your finances are in the hands of such a chancellor of the exchequer! Because a man can take an observation and keep a log-book and a reckoning, can navigate a cock-boat to the West Indies or the East, shall he aspire to navigate the great vessel of State, to stand at the helm of public councils? *Ne sutor ultra crepidam!*"

Again and again he turned aside to express contempt for the Northern democrats:—

"Shall this great mammoth of the American forest leave his native element and plunge into the water in a mad contest with the shark? Let him stay on shore, and not be excited by the muscles and periwinkles on the strand!"

On the point of policy Randolph took ground which, if not warlike, was at least consistent,—the ground which all Southern Republicans of the Jeffer-

¹ Annals of Congress, 1805-1806, p. 555.

son school would have taken, if shame had not withheld them. Even if determined in the end to submit, the President and Secretary wished to keep up the form of resistance. Randolph declared that the form was absurd ; he would do nothing to protect "this mushroom, this fungus of war," — a carrying-trade which at the first moment of peace would no longer exist : —

"I will never consent to go to war for that which I cannot protect. I deem it no sacrifice of dignity to say to the Leviathan of the deep : We are unable to contend with you in your own element ; but if you come within our actual limits, we will shed our last drop of blood in their defence."

Had Randolph contented himself with taking this position, he could not have been overthrown, for he carried with him the secret sympathy of the Southern Republicans ; but he had not the self-control that was needed in the face of an opponent so pliant and conciliatory as Jefferson. Randolph took rare pleasure in making enemies, while Jefferson never made one enemy except to gain two friends. Not satisfied with attacking Crowninshield and Gregg, Randolph gave full play to his anger against the whole House, and even assailed the Executive : —

"I have before protested, and I again protest, against secret, irresponsible, overruling influence. The first question I asked when I saw the gentleman's Resolution was, Is this a measure of the Cabinet? Not of an open declared Cabinet, but of an invisible, inscrutable, unconsti-

tutional Cabinet, without responsibility, unknown to the Constitution. I speak of back-stairs influence, — of men who bring messages to this House, which, although they do not appear on the Journals, govern its decisions. Sir, the first question that I asked on the subject of British relations was, What is the opinion of the Cabinet; what measures will they recommend to Congress? — well knowing that whatever measures we might take they must execute them, and therefore that we should have their opinion on the subject. My answer was (and from a Cabinet minister too), ‘*There is no longer any Cabinet!*’”

Though forbidden to mention what had occurred in secret session, “manacled, handcuffed, and tonguetied” as he was, Randolph dragged the Spanish secret to light: —

“Like true political quacks, you deal only in handbills and nostrums. Sir, I blush to see the record of our proceedings; they resemble nothing but the advertisements of patent medicines. Here you have ‘the worm-destroying lozenges;’ there ‘Church’s cough-drops;’ and to crown the whole, ‘Sloan’s vegetable specific,’ — an infallible remedy for all nervous disorders and vertigoes of brainsick politicians. . . . And where are you going to send your political panacea, resolutions and handbills excepted; your sole arcanum of government, your King Cure-all? To Madrid? No! you are not such quacks as not to know where the shoe pinches. To Paris! You know at least where the disease lies, and there you apply your remedy. When the nation anxiously demands the result of your deliberations, you hang your head and blush to tell. You are afraid to tell!”

Randolph next attacked Madison. He took up the secretary's late pamphlet and overwhelmed its argument with contempt. He declared that France was the real enemy of America; that England was acting under the dictates of necessity; that the situation of Europe had completely changed since 1793, and that England occupied the place which France then held: "she is the sole bulwark of the human race against universal dominion,—no thanks to her for it!" As for a policy, he proposed to abandon commerce and to amputate mercantile interests:—

"I can readily tell gentlemen what I will not do. I will not propitiate any foreign nation with money. I will not launch into a naval war with Great Britain. . . . I will send her money on no pretext whatever; much less on pretence of buying Labrador or Botany Bay, when my real object was to secure limits which she formally acknowledged at the Peace of 1783. I go further: I would, if anything, have laid an embargo; this would have got our own property home, and our adversary's into our power. If there is any wisdom left among us, the first step toward hostility will always be an embargo. In six months all your mercantile megrims would vanish. As to us, although it would cut deep, we can stand it."

Before closing this desultory harangue, the orator once more turned to taunt the President:—

"Until I came into the House this morning, I had been stretched on a sick bed; but when I behold the affairs of this nation—instead of being where I hoped, and the people believed they were, in the hands of responsible

men — committed to Tom, Dick, and Harry, to the refuse of the retail trade of politics, I do feel, I cannot help feeling, the most deep and serious concern. . . . I know, sir, that we may say, and do say, that we are independent (would it were true!), as free to give a direction to the Executive as to receive it from him; but do what you will, foreign relations, every measure short of war, and even the course of hostilities, depends upon him. He stands at the helm, and must guide the vessel of State. You give him money to buy Florida, and he purchases Louisiana. You may furnish means; the application of those means rests with him. Let not the master and mate go below when the ship is in distress, and throw the responsibility upon the cook and the cabin-boy! I said so when your doors were shut; I scorn to say less now they are open. Gentlemen may say what they please; they may put an insignificant individual to the ban of the republic: I shall not alter my course."

That such a speech from a man so necessary to the Government should throw consternation among the majority, was a matter of course. No such event had ever happened in Congress as the public rebellion of a great party leader. The Federalists had quarrelled as bitterly, but had made no such scandal. Yet serious as Randolph's defection might be, it would have done little harm had it not been that in denouncing the course taken by Jefferson and Madison he had much secret sympathy. Nay, as regarded Gregg's Resolution, he expressed the feelings of the President himself and of the Cabinet. The so-called resistance to England, like the resistance to Spain, was a sham,

and all parties agreed with Randolph in opposing serious retaliation.

Nothing was needed but that Randolph should keep his temper in order to win a triumph. Napoleon could be trusted to give Jefferson no more provinces at any price, for within a few days after Randolph's outbreak news arrived that the battle of Austerlitz had been fought, and the Treaty of Pressburg signed. Jefferson himself could be trusted to prevent Gregg's Resolution from passing, for the news that Pitt was dead and Fox in power arrived almost at the same moment with that of Austerlitz. The entire situation had changed; an entirely new policy must be invented, and this could hardly fail to follow Randolph's ideas. He had only to wait; but meanwhile he was consumed by a fever of rage and arrogance. Thinking that the time had come to destroy the Secretary of State, he set himself vigorously to the task. Day after day he occupied the floor, attacking Madison with more and more virulence. He insisted that "the business from first to last had been managed in the most imbecile manner."

"I do not speak of the negotiator [Monroe] — God forbid! — but of those who drew the instruction of the man who negotiated. We bought Louisiana from France under the terms of the Treaty of San Ildefonso. According to the Executive understanding, that country extended to the Perdido and the River Bravo. We immediately legislated on our first claim and passed a law erecting the bay and shores of the Mobile into a revenue district.

What was the fact? That we were legislating without information. We had never been told that Laussat had been directed to receive the country only to the Iberville and the Lakes. We consequently legislated in error, for want of Executive information. This was the beginning.”¹

At length, April 7, Randolph committed his last and fatal blunder by going formally into opposition.

“I came here,” he said, “prepared to co-operate with the Government in all its measures. I told them so. But I soon found there was no choice left, and that to co-operate in them would be to destroy the national character. I found I might co-operate, or be an honest man. I have therefore opposed, and will oppose them.”

Such tactics, in the face of a man so supple as President Jefferson, invited failure. With every weapon of offence in his hand, and with the assurance of triumph, Randolph threw his chances away and found himself within a few weeks delivered to the mercy of Secretary Madison and the Northern democrats. Jefferson’s strong qualities were called into play by Randolph’s method of attack. Jefferson was not apt to be violent, nor was he despotic in temper; but he was, within certain limits, very tenacious of his purpose, and he had to a certain degree the habits of a paternal despot. Randolph’s sudden assault, carrying with it some twenty-five or thirty of the ablest and best Republicans in Congress, greatly

¹ Annals of Congress, 1805-1806, p. 961.

alarmed the President, who set himself quietly and earnestly to the task of restoring order to his shattered columns. The Northern democrats were easily held firm, for they hated Randolph and had little love for Virginia. As for the rebellious cohort of "old Republicans," Jefferson exhausted his resources in coaxing them to desert their leader.

March 13 the House laid Gregg's Resolution aside; Nicholson's was then taken up, adopted March 17, and sent to a special committee to be framed as a Bill. Meanwhile the President busily conciliated opposition; and his first thought was of Monroe in London, certain to become the centre of intrigue. March 16 Jefferson wrote to warn his old friend against the danger of making common cause with Randolph. The task was difficult, because it was necessary at the same time to break the news that Monroe must submit to the implied censure of a special mission.

"Some of your new friends," wrote Jefferson,¹ "are attacking your old ones, out of friendship for you, but in a way to render you great injury. . . . Mr. Nicholson's Resolutions will be passed this week, probably by a majority of one hundred Republicans against fifteen Republicans and twenty-seven Federalists. When passed, I shall join Mr. Pinkney of Maryland as your associate for settling our differences with Great Britain. He will depart on a fortnight's notice, and will be authorized to take your place whenever you think yourself obliged to return."

¹ Jefferson to Monroe, March 16, 1806; Jefferson MSS.

Two days later he wrote again.¹ In the interval Nicholson's Resolution had been adopted by a vote of eighty-seven to thirty-five, and Randolph's minority of Republican members had been reduced, beyond the President's hope, to a mere half-dozen grumblers.

"Mr. R. withdrew before the question was put," wrote Jefferson. "I have never seen a House of Representatives more solidly united in doing what they believe to be the best for the public interest. There can be no better proof than the fact that so eminent a leader should at once, and almost unanimously, be abandoned."

At the same moment Randolph wrote to Monroe that the Republican party was broken in pieces, and that the "old Republicans" were united in the support of Monroe against Madison for the Presidency.² Randolph complained bitterly of the atmosphere of intrigue which surrounded the Administration; but as regarded him at least, Jefferson's retort was plausible that he had never found fault with intrigue so long as he had a share in it. After challenging the contest with Madison, he had only himself to blame if the President, who was a master of intrigue, used the weapon freely to defend his favorite and himself.

To detach Randolph's friends from their leader was an object which the President pursued with zeal and success. He was a little disposed to overawe Monroe; but he was glad to conciliate Joseph Nicholson, next to Randolph the most formidable "old Republican"

¹ Jefferson to Monroe, March 18, 1806; Jefferson MSS.

² Adams's Randolph, p. 199-202.

in public life. Nicholson was torn by conflicting sympathies; he loved Randolph, and he did not love Madison. On the other hand he was attached to Gallatin by marriage and respect. A poor man, with a large family, Nicholson found the life of a Congressman unprofitable; and when he was offered a seat on the Bench as Judge of the Sixth Maryland Circuit, he accepted the appointment. April 9, 1806, his letter of resignation was read to the House, and the democrats knew that Randolph had lost his strongest friend.

The Speaker remained to be dealt with. To overawe Macon was impossible; to buy him was out of the question; to crush him was only a last resort; no other resource was left than to coax him.

"Some enemy, whom we know not, is sowing tares between us," wrote the President to the Speaker, at the moment when he was warning Monroe and Nicholson escaped to the bench.¹ "Between you and myself nothing but opportunities of explanation can be necessary to defeat these endeavors. At least, on my part, my confidence in you is so unqualified that nothing further is necessary for my satisfaction."

Jefferson never was more sincere than in making this advance to a friend from whom the course of events threatened to part him: but unfortunately the point of doubt was not so much Jefferson's confidence in Macon as it was Macon's confidence in Jefferson. At bottom remained the unpleasant thought

¹ Jefferson's Writings (Ford), viii. 439.

that Jefferson had ceased to be either a Virginian or a Republican; had chosen other friends and advisers than Macon, other objects and ambitions than Macon pursued.

Even Randolph was treated with delicacy. Jefferson would gladly have won him back, had Randolph admitted a hope that he would accept Madison's candidacy; but on that point no compromise could be conceived. Madison's fate was trembling in the balance. Sacrifice of Madison was impossible to the President, and nothing short of sacrifice would satisfy Randolph. The "old Republican" schism must therefore be left to itself; the schismatics were too honest and respectable to be dealt with. The President exhausted his power when he won back the wavering, fixed Gallatin in allegiance to Madison, and carried Nicholson out of the arena; but although gentle and forbearing in regard to these honest, and as he thought, misguided men, Jefferson did not think it necessary to show equal deference to the merely selfish interests which had made use of this moment of confusion in order to exact terms from the Government. He showed that he could punish, by making an example of General and Senator Samuel Smith.

Robert Smith in the Cabinet was so near to his brother Samuel in the Senate that Jefferson could no longer trust his secrets to the Cabinet itself. After crushing in the House Randolph's opposition to the Spanish policy, and after yielding to Smith and the Senate in regard to a special English mission, the

President was required to make certain appointments, one of which was that of a new minister to aid and succeed Monroe in London, whence it was supposed that Monroe wished to return. General Smith's wider plan assumed that Monroe was on his way home, and would be succeeded by a regular minister, assisted, for commercial negotiations, by a special envoy. The special envoy was to be himself; the permanent minister was to be his brother-in-law Wilson Cary Nicholas. He had even written to assure Nicholas of the appointment, when his project was defeated by the secret and unexpected interference of the President.

April 1, 1806, Samuel Smith wrote to his brother-in-law an account of his hopes and disappointment:¹

“Monroe had written that he would leave Great Britain in November; therefore a mission of two, — one to remain as minister, the other a merchant of some distinction and of general information to go as envoy extraordinary, — was desired by all; and here, this proposal generally — I may say universally — meant S. S. Two only exceptions: As Monroe will remain until the whole business shall be settled, many wish now an able merchant to join him; in either case to make a commercial treaty with Great Britain. To such a treaty there is a rooted aversion in the mind of the President and Mr. Madison. I ought to apologize for leading you into error. I still do believe that you were originally intended for London. A good Federalist is to succeed Monroe,

¹ Samuel Smith to W. C. Nicholas, April 1, 1806; Nicholas MSS.

and has been privately written to by the President without the knowledge of any of his Cabinet; they appeared astonished when he mentioned what he had done."

The good Federalist thus put over Smith's head was William Pinkney, a prominent lawyer of Smith's city of Baltimore. Such a step without consulting the Smiths, and against their personal interests, was a strong measure on the part of Jefferson, quite out of keeping with his ordinary practice. Offence of tried friends in order to conciliate Federalists was little to his taste; but General Smith's conduct had become so factious as to warrant reproof. Smith was reduced to submission. He had not shared in Randolph's bitterness against the Spanish policy, but he had attempted to make use of the old Republican schism for his personal objects; and after Randolph's overthrow, Smith could no longer venture upon open opposition. Though beaten by only one vote in his attack on Armstrong's nomination, Smith felt that his defeat was made final by the collapse of Randolph's rebellion. He admitted to Nicholas that no effective resistance could be made to the Florida purchase, and that nothing remained but obedience to the President's will:—

"The question was simply, Buy or fight! Both Houses by great majorities said, Buy! The manner of buying appears a little disagreeable. Politicians will believe it perfectly honest to induce France 'by money' to coerce Spain to sell that which she has absolutely declared was her own property, and from which she would

not part. Mr. Randolph expects that this public explosion of our views and plans will render abortive this negotiation, and make the Executive and poor little Madison unpopular. Against this last he vents his spleen. However, he spares nobody, and by this conduct has compelled *all* to rally round the Executive for *their own preservation*. From the Potomac north and east, the members adhere to the President; south they fall daily from their allegiance."

Thus, after four months of confusion, victory declared itself on the President's side.¹ Randolph's violence, even more than Jefferson's dexterity, was fatal to the old Republican uprising. As early as April 1 discipline was restored, with Madison stronger than ever before. The few remaining days of the session only confirmed the result.

¹ Cf. Jefferson to W. C. Nicholas, March 24 and April 13, 1806. Writings (Ford), viii. 434.

CHAPTER VIII.

THE President's triumph was decided as early as March 17, for on that day General Smith's assault upon Armstrong was defeated in the Senate by Vice-President Clinton's casting vote; and in the House, Randolph's resistance to the non-importation policy against England ended in his discomfiture and withdrawal; but although even at that early moment no one could doubt Jefferson's irresistible strength, yet no one who knew John Randolph could suppose that either the President or his Secretary of State was in future to sleep on roses.

The session ended April 21; and during the few weeks that intervened between Randolph's defeat, March 17, and the adjournment, the exasperated Virginian developed a strange and unequalled genius. His position was new. The alternation of threat and entreaty, of lofty menace and reluctant obedience, which marked the conduct of the State Department in its dealings with France and England, had no real admirer in the United States. When Randolph denounced the change in Spanish policy, not a voice was raised in its defence, and the public wondered that so powerful a President should be left an unprotected

victim to assaults so furious. In truth Madison himself must have been tongue-tied; no resource of logic could excuse his sudden abandonment of the determination "to extinguish in the French government every hope of turning our controversy with Spain into a French job, public or private." Even had he succeeded in excusing himself, his success must have proved that Randolph's crime consisted in maintaining the ground which had been taken and held by President, secretary, and plenipotentiaries down to the moment, Oct. 23, 1805, when without explanation the ground was abandoned. Silence and numbers were the only arguments in defence of such a change, and to these forms of logic the followers of the Administration at first resorted. "It is a matter of great astonishment to me," wrote Wilson Cary Nicholas to Jefferson April 2, "that such a philippic as we have seen could have been uttered in Congress, and not one word said in justification of the Administration."¹ Toward the end of the session this silence ceased; the majority made great efforts to answer Randolph; but the answers were weaker than the silence.

Besides this difficulty in the nature of the case, the majority felt more than ever the advantage enjoyed by Randolph in his vigor and quickness of mind. For two months he controlled the House by audacity and energy of will. The Crowninshields, Varnums, and Bidwells of New England, the Sloans, Smilies,

¹ W. C. Nicholas to Jefferson, April 2, 1806; Jefferson MSS.

and Findleys of the Middle States, could do nothing with him; but by the time he had done with them they were bruised and sore, mortified, angry, and ridiculous. The consciousness of this superiority, heightened to extreme arrogance by the need of brushing away every moment a swarm of flies which seemed never to know they were crushed, excited Randolph to madness. He set no bounds to the expression of his scorn not only for the Northern democrats, but for the House itself and for the whole government. At one member he shook his fist, and imperiously bade him sit down or to go down the back-stairs; another member he called an old toothless driveller, superannuated, and mumbling in second dotage.¹ He flung Madison's pamphlet with violent contempt on the floor of the House; and he told the House itself that it could not maintain a decision two hours together against the Yazoo lobby.

Sloan of New Jersey, a sort of butt in the party, who could not forgive Randolph's allusion to the "vegetable specific," retorted that Randolph behaved like "a maniac in a strait-jacket accidentally broke out of his cell." No doubt his conduct was open to the charge; but none the less the maniac gave great trouble and caused extreme confusion. Even after three fourths of the House came to share Sloan's opinion, and began the attempt to control Randolph by every means in their power, they found the task beyond them.

¹ Annals of Congress, 1805-1806, p. 1107.

The Non-importation Bill, framed on Nicholson's Resolution, was quickly reported, and March 25 the House agreed to fix November 15 as the date on which the Act should go into operation. Randolph could not prevent its passage, but he could make it contemptible, if it was not so already; and he could encourage the Government and people of England to treat it with derision.

“Never in the course of my life,” he cried,¹ “have I witnessed such a scene of indignity and inefficiency as this measure holds forth to the world. What is it? A milk-and-water Bill! A dose of chicken-broth to be taken nine months hence! . . . It is too contemptible to be the object of consideration, or to excite the feelings of the pettiest State in Europe.”

The Bill immediately passed by a vote of ninety-three to thirty-two; but every man on the floor felt that Randolph was right, and every foreign minister at Washington adopted his tone.

Two days afterward he called up certain Resolutions denouncing as unconstitutional the union of civil and military authority in the same person, and declaring that a contractor under Government was a civil officer, and as such incapable of holding a seat in the House. These Resolutions struck in every direction; they were a reproof to the House, to the President, and to individual members like Matthew Lyon, who had taken mail contracts, or John Smith, the senator from Ohio, who was a large contractor for army sup-

¹ Annals of Congress, March 26, 1806, p. 851.

plies. General Wilkinson at St. Louis held civil and military powers; the new territory about to be organized under the name of Michigan was to have a governor of the same sort. A vote against Randolph's Resolutions contravened one of the cardinal principles of the Republican party; a vote for them censured the party itself and embarrassed Government. Beaten by very large majorities on these two declaratory points, Randolph succeeded in carrying through the House a Bill that rendered military and naval officers incapable of holding also any civil office. This measure slept quietly on the table of the Senate.

Hardly a day passed without bringing the House into some similar dilemma. March 29 the Senate sent down a Bill for settling the Yazoo claims; it had passed the Senate by a vote of nineteen to eleven soon after the death of its hottest opponent, Senator James Jackson of Georgia. Randolph exultingly seized upon the Bill in order to plaster it, like the hue-and-cry after a runaway thief, against the very doors of the White House:—

“This Bill may be called the Omega, the last letter of the political alphabet; but with me it is the Alpha. It is the head of the divisions among the Republican party; it is the secret and covert cause of the whole. . . . The whole weight of the Executive government presses it on. We cannot bear up against it. The whole Executive government has had a bias to the Yazoo interest ever since I had a seat here. This is the original sin which has created all the mischiefs which gentlemen pretend to

throw on the impressment of our seamen, and God knows what. This is the cause of those mischiefs which existed years ago."

The Yazoo sin, he said, had been one principal cause of his failure in the impeachment of Justice Chase; the secret mechanism of Government would be so powerfully brought to bear on members that if the Bill were postponed over Sunday he would not give a farthing for the issue; gentlemen would come in with speeches ready cut-and-dried until a majority dwindled to nothing. Exasperating and insulting as this language was, the House did not resent it; and a motion that the Bill be rejected passed by a vote of sixty-two to fifty-four, while Randolph exulted over its fate.

March 31 Randolph, aided by the Federalists and some thirty Republicans, succeeded in removing the injunction of secrecy from the Spanish proceedings. No sooner was the Journal published, and he found that it did not contain the President's secret message of Dec. 6, 1805, than he seized this chance to make public all that had occurred in secret session. April 5, after moving that the injunction of secrecy should be taken from the Message, he entered into the history of his own relations with the President and Secretary of State in the tangled thread of Spanish negotiations. His remarks that day, though severe, were comparatively temperate; but when the debate was renewed April 7, he announced that he meant to oppose the Government, because he had to choose between

opposition and dishonesty. He charged that Madison had tried to get money from the Treasury for this negotiation without waiting for a vote of Congress ; and he declared that the documents, "if published, would fix a stain upon some men in the government and high in office which all the waters in the ocean would not wash out." His denunciations began to rouse passion ; if his opponents could not equal him in debate, they could in violence of temper. Madison's brother-in-law, John G. Jackson of Virginia, took up his charges in a high tone, and several expressions passed which foreshadowed a duel. On the vote Randolph was beaten by a majority of seventy-four to forty-four ; but he had published the secrets of Madison's friends, and their refusal to print the Message showed the want of courage with which they were chiefly charged.

On every point of real importance Randolph's authority overawed the House. The President in his Annual Message had talked much of defences, and had even hinted his readiness to build seventy-fours. A committee of the House reported Resolutions advising that the sum of one hundred and fifty thousand dollars should be spent in fortifying harbors ; that two hundred and fifty thousand dollars should be appropriated to build fifty gunboats ; and that six hundred and sixty thousand dollars should be voted toward building six line-of-battle ships. When these Resolutions were brought up March 25, only thirty members could be found to vote for the seventy-fours.

April 15 the subject came up again in connection with the Bill for fortifying harbors and building gunboats. Josiah Quincy made a strong argument, warning Congress that in the sacrifice of commercial interests which lay at the bottom of its policy, there was danger not only to the prosperity but to the permanence of the Union. He remarked that while seventeen millions had been voted to buy Louisiana and Florida for the sake of securing the South and West; while in this single session four hundred and fifty thousand dollars must be voted for Indian lands, —yet the entire sum expended since the foundation of the government in fortifications for the nine capital harbors of the Union was only seven hundred and twenty-four thousand dollars. The city of New York, with at least one hundred million dollars of capital in deposit, might at any moment be laid under contribution by two line-of-battle ships. Quincy begged the House to bear in mind that the ocean could not be abandoned for the land by the people of New England, of whom thousands would rather see a boat-hook than all the sheep-crooks in the world:—

“Concerning the land of which the gentleman from Virginia [Randolph] and the one from North Carolina [Macon] think so much, they think very little. It is in fact to them only a shelter from the storm, a perch on which they build their eyrie and hide their mate and their young while they skim the surface or hunt in the deep.”

Quincy's speech was far superior to the ordinary level of Congressional harangues, and its argument was warmly supported by a democrat as extreme as Matthew Lyon; but barely thirty votes could be mustered against Randolph's economy; and although the New England democrats joined hands with the New England Federalists in supporting an appropriation for building two new frigates in place of others which had been lost or condemned, they could muster only forty-three votes against Randolph's phalanx.

Probably no small part of Randolph's hostility to the navy was due to his personal dislike for Robert Smith the secretary, and for his brother Samuel the senator. This enmity already showed signs of serious trouble in store. Gallatin struggled in vain with Robert Smith's loose habit of accounts. Joseph Nicholson, closely allied to Gallatin, naturally drew away from the Smiths, whose authority in Maryland roused ill-feeling. Randolph took sides with Gallatin and Nicholson, the more because Samuel Smith had undertaken to act an independent part in the politics of the session, and had too plainly betrayed selfish motives. When Randolph, after delaying the navy estimates as long as he could, moved the appropriations April 10, he took the opportunity to be more than usually offensive. He said that an Appropriation Bill was a mere matter of form; that the items might as well be lumped together; that the secretary would spend twice the amount if he chose, as he had done the year before, and that the House would have

to make up the deficiency. "A spendthrift," said he, "can never be supplied with money fast enough to anticipate his wants."

The Bill passed, of course; but the navy was reduced to the lowest possible point, and fifty gunboats were alone provided in response to the President's strong recommendations. Randolph and his friends believed only in defence on land, and their theory was no doubt as sound as such theories could ever be; but it was the curse of "old Republican" principles that they could never be relaxed without suicide, and never enforced without factiousness. For defence on land nothing was so vital as good roads. A million dollars appropriated for roads to Sackett's Harbor, Erie, Detroit, St. Louis, and New Orleans would have been, as a measure of land defence, worth more than all the gunboats and forts that could be crowded along the Atlantic; but when the Senate sent down a Bill creating commissioners to lay out the Cumberland road to the State of Ohio, although this road was the result of a contract to which Congress had pledged its faith, so many Republicans opposed it under one pretext or another, with John Randolph among them, that a change of four votes would have defeated the Bill. No more was done for national defence by land than by water, although the echo of Nelson's guns at Trafalgar was as loud as the complaints of plundered American merchants, and of native American seamen condemned to the tyranny and the lash of British boatswains.

The drift of Randolph's opposition was easily seen ; he wanted to cover the Administration with shame for having taken a warlike tone which it never meant to support. His tactics were calculated to make Madison contemptible at home and abroad by inviting upon him the worst outrages of foreign governments. That he succeeded so far as foreign governments were concerned was almost a matter of course, since even without his aid Spain, France, and England could hardly invent an outrage which they had not already inflicted ; but at home Randolph's scheme failed, because Madison could be degraded only by making the American people share in his humiliation. The old Republicans relieved Madison of responsibility for national disgrace, and made Congress itself answerable for whatever disasters might follow,—a result made clear by Randolph's last and most mischievous assault. To meet the five millions required for the purchase of Florida, at a moment when the Non-importation Act threatened to cut down the revenue, Gallatin needed all the existing taxes, including the Mediterranean Fund, which ceased by law after the peace with Tripoli. April 14 Randolph suddenly, without the knowledge or consent of Gallatin, moved to repeal the duty on salt. This heavy and unpopular tax produced about half a million dollars, and its repeal was so popular that no one dared oppose it. The next day Randolph brought in a Bill repealing the salt tax and continuing the Mediterranean Fund. By that time members had become

aware of his factious motives, and denounced them : but so far from disavowing his purpose, the chairman of the Committee of Ways and Means proclaimed that since he could not force the Government to keep within the limit of specific appropriations he meant to sequester the revenue so as to leave but a scanty surplus. After his speech the Bill was engrossed without opposition, the Federalists being pleased to embarrass Government, and the Republicans afraid of sacrificing popularity. April 17 the Bill passed by a vote of eighty-four to eleven and was sent to the Senate. The part which related to the salt tax was there struck out ; but when, April 21, the last day of the session, the Bill so mutilated came again before the House, Randolph exerted to the utmost his powers of mischief, not so much in order to repeal the salt tax as to destroy the Senate Bill, and so deprive Government of its still greater resource, the Mediterranean Fund, which produced nearly a million. He induced the House to insist upon its own Bill. A committee of conference was appointed ; the Senate would not recede ; Randolph moved that the House adhere. Angry words passed ; ill-temper began to prevail ; and when at last Randolph was beaten by the narrow vote of forty-seven to forty, his relative Thomas Mann Randolph, the President's son-in-law, suddenly rose and spoke of his namesake in terms intended for a challenge ; while Sloan of New Jersey occupied part of the night with a long diatribe against the chairman of the Ways and Means Committee.

Never had worse temper been seen at Washington than in the last weeks of this session. Madison's friends, conscious that their attitude was undignified, became irritable, and longed for a chance to prove their courage. Randolph was not the only enemy who devoted the energy of personal hatred to the task of ruining the Secretary of State. In the case of Randolph Madison was not to blame, and neither challenged nor wished a contest. Even the policy which Randolph so violently assailed was less the policy of the secretary than of the President. Madison did nothing to invite the storm, and could have done nothing to escape it; but another tempest raged, to which he voluntarily exposed himself.

The Marquis of Casa Yrujo passed the autumn of 1805 in Philadelphia, and in obedience to instructions tried to renew friendly relations with the Secretary of State. During Madison's stay in the city Yrujo induced the secretary to accept an invitation to dinner to meet Governor McKean, Yrujo's father-in-law. The marquis paid no attention to the hints sent him from the President that he would confer a favor on the United States government by returning to Spain without delay. He was well aware that he had nothing to gain by conferring more favors on Jefferson; and the conduct of Turreau and Merry was not such as to deter a Spanish minister from defying to his heart's content the authority of the President.

On the appearance of the Annual Message, which

contained a general and loose statement of grievances against Spain, Yrujo wrote Dec. 6, 1805, a keen note to the Secretary of State, criticising, not without justice, the assertions made by the President. To Yrujo's note, as to the St. Domingo note of Turreau, the secretary made no reply. He held that the contents of an Executive communication to Congress were not open to diplomatic discussion,—a doctrine doubtless correct in theory and convenient to the Executive, but offering the disadvantage that if foreign governments or their envoys chose to disregard it, the Secretary of State must either enforce discipline or submit to mortification. Madison accepted the challenge; he meant to enforce discipline, and aimed at expelling Yrujo from the country. The Cabinet decided that Yrujo, pending the request for his recall, should receive no answer to his letters, and should not be permitted to remain in Washington.

Backed by the President's authority and by the power of the government, Madison might reasonably expect an easy victory over the Spaniard, and he acted as though it were a matter of course that Yrujo should accept his fate; but Yrujo seemed unconscious of peril. Although the Spanish minister's presence at the capital was well known not to be desired by the President, the society of Washington was startled Jan. 15, 1806, by learning that the marquis had arrived. The same evening Yrujo, dining with General Turreau, received a formal note which roused him to passion only equalled by the temper of John Ran-

dolph. The exasperating letter, signed by Madison, said that as the President had requested Yrujo's recall, and as Cevallos had intimated that the marquis wished to return to Spain on leave, it had been supposed that the departure would have taken place at once, and therefore his appearance at Washington was a matter of surprise : —

“ Under these circumstances the President has charged me to signify to you that your remaining at this place is dissatisfactory to him ; and that although he cannot permit himself to insist on your departure from the United States during an inclement season, he expects it will not be unnecessarily postponed after this obstacle has ceased.”

A routine diplomatist would have protested and obeyed ; but Yrujo was not a routine diplomatist. Not in order to learn correct deportment had he read the “ Aurora ” or studied the etiquette of Jefferson's *pêle-mêle*. Minister and marquis as he was, he had that democratic instinct which always marked the Spanish race and made even the beggars proud ; while his love of a fray shocked Turreau and caused Merry to look upon his Spanish colleague as a madman. At that moment Madison was little esteemed or feared by any one ; the recoil of his foreign policy had prostrated him, and Randolph was every day, in secret session, overwhelming him with contempt. Yrujo had no reason to fear the result of a contest ; but even had there been cause for fear, he was not a man to regard it.

Turreau in vain attempted to restrain him; nothing would satisfy Yrujo but defiance. January 16, the day after receiving Madison's letter, the Spanish minister answered it.

"As the object of my journey is not with a view to hatch plots," said he, with a side-blow at Madison which the secretary soon understood, "my arrival here is an innocent and legal act, which leaves me in the full enjoyment of all my rights and privileges, both as a public character or a private individual. Making use therefore of these rights and privileges, I intend remaining in the city, four miles square, in which the Government resides, as long as it may suit the interest of the King my master or my own personal convenience. I must at the same time add that I shall not lose sight of these two circumstances as respects the period and season in which our mutual desires for my departure from the United States are to be accomplished."

Having thus retaliated Madison's insult, Yrujo next made his revenge public. January 19 he sent to the Department a formal protest, couched in language still more offensive than that of his letter:—

"Having gone through the personal explanations which for just motives I was compelled to enter into in my first answer to your letter of the 15th inst., I must now inform you, sir, what otherwise would then have constituted my sole reply; namely, that the envoy extraordinary and minister plenipotentiary of his Catholic Majesty near the United States receives no orders except from his sovereign. I must also declare to you, sir, that I consider both the style and tenor of your letter as indecorous, and

its object an infraction of the privileges attached to my public character."

Finally he sent to his colleagues copies of this correspondence, which soon afterward was printed in every Federalist newspaper, together with the note criticising the Annual Message, the reception of which had never been acknowledged by the Secretary of State.

Thus far Madison gained no credit in the scuffle, but merely called upon his own head one more intolerable insult. Perhaps in Yrujo's apparent madness some share of method might be detected; for he knew the character of Madison,—his willingness to irritate and his reluctance to strike. At all events, the Spaniard remained at Washington and defied the Government to do its worst. The Cabinet consulted, examined into the law, inquired for precedents, and at last decided that the Government could not expel him. Merry took Yrujo's part, and Turreau had much to do with moderating the President's measures and with checking interference from Congress.¹ The Government in all its branches was overawed, and even the senators were alarmed. "The marquis's letters last published seem to have frightened many of them so that probably nothing will be done."² So wrote a member of the Senate who alone exerted himself to strengthen the President's hands. Yrujo remained a fortnight or more at Washington, and

¹ Diary of J. Q. Adams (Feb. 15, 1806), i. 410.

² Diary of J. Q. Adams (Feb. 20, 1806), i. 414.

after carrying his point returned at his leisure to Philadelphia. The only measure which Madison ventured to take was that of refusing to hold any communication with him or to receive his letters; but even this defence was turned by Yrujo into a vantage-ground of attack.

Among other adventurers then floating about the world was one Francesco de Miranda, a native of Caraccas, who for twenty years had been possessed by a passion for revolutionizing his native province, and for becoming the Washington of Spanish America. Failing to obtain in England the aid he needed, he came to New York in November, 1805, with excellent letters of introduction. Miranda had a high reputation; he was plausible and enthusiastic; above all, he was supposed to represent a strong patriot party in Spanish America. War with Spain was imminent; the President's Annual Message seemed almost to declare its existence. In New York Miranda instantly became a hero, and attracted about him every ruined adventurer in society, among the rest a number of Aaron Burr's friends. Burr himself was jealous, and spoke with contempt of him; but Burr's chief ally Dayton, the late Federalist senator from New Jersey, was in Miranda's confidence. So was John Swartwout the marshal, Burr's devoted follower; so was William Steuben Smith, surveyor of the port, one of the few Federalists still left in office. These, as well as a swarm of smaller men, clustered round the Spanish American patriot, either to help his plans or to further

their own. By Smith's advice Miranda hired the ship "Leander," owned by one Ogden and commanded by a Captain Lewis; with Smith's active aid Miranda next bought arms and supplies, and enlisted men.

Meanwhile Miranda went to Washington. Arriving there in the first days of the session, before the pacific secret message and its sudden change of policy toward Spain were publicly known, he called upon the Secretary of State. December 11 he was received by the secretary at the Department; then invited to dine; then he put off his departure in order to dine with the President at the White House,—at a time when he was engaged, in conjunction with the surveyor of the port of New York, in fitting out a warlike expedition against Spanish territory. What passed between him and Madison became matter of dispute. The secretary afterward admitted that Miranda told of his negotiations with the British government, and made no secret of his hopes to revolutionize Colombia; to which Madison had replied that the government of the United States could not aid or countenance any secret enterprise, and was determined to interfere in case of any infraction of the law. Miranda's account of the secretary's conversation was very different; he wrote to Smith, from Washington, letters representing Madison to be fully aware of the expedition then fitting out, and to be willing that Smith should join it. He made a parade of social relations with the President and secretary, and on returning to New York was open in his allu-

sions to the complicity of Government. Doubtless his statements were false, and those of Madison were alone worthy of belief; but the Secretary of State was not the less compromised in the opinion of his enemies.

Miranda quickly returned to New York; and when about a month later the "Leander" was ready to sail, he wrote a letter to Madison announcing his intended departure, and taking a sort of formal and official leave, as though he were a confidential emissary of the President. He had the assurance to add that "the important matters" which he had communicated "will remain, I doubt not, in the deepest secret until the final result of this delicate affair. I have acted here on that supposition, conforming myself in everything to the intentions of the Government, which I hope I have seized and observed with exactitude and discretion."¹

Ten days afterward the "Leander" sailed with a party of filibusters for the Spanish main, and the Secretary of State awoke to the consciousness that he had been deceived and betrayed. Fortunately for Madison, Miranda had not left behind him a copy of this letter, but had merely told his friends its purport. The letter itself remained unseen; but the original still exists among the Archives of the State Department, bearing an explanatory note in Madison's handwriting, that Miranda's "important" communications related to "what passed with the British gov-

¹ Miranda to Madison, Jan. 22, 1806; Madison MSS.

ernment," and that in saying he had conformed in New York to the President's intentions, Miranda said what was not true.

Then Madison, after receiving and entertaining Miranda at Washington while a high government official was openly enlisting troops for him at New York, ordered the Spanish minister to leave the Federal city, and refused to receive the minister's communications on any subject whatever. He had driven Casa Calvo and Morales from Louisiana, and at the same time allowed a notorious Spanish rebel to organize in New York a warlike expedition against Spanish territory.

Madison could hardly suppose that Yrujo would fail to make him pay the uttermost penalty for a mistake so glaring. Never before had the Spaniard enjoyed such an opportunity. After defying the secretary at Washington, Yrujo returned to Philadelphia, where he arrived on the evening of February 4. As he stepped from his carriage letters were put into his hand. Three of these letters were from the Spanish consul at New York, and contained only the notice that the "Leander" was about to sail.¹ Serious as this news was, it did not compare in importance with information furnished by Jonathan Dayton. For reasons of his own Dayton kept Yrujo informed of events unknown even to Merry and Turreau, and unsuspected by the President or his Cabinet. In some cases he probably tried to work on Yrujo's credulity.

¹ Yrujo to Cevallos, Feb. 12, 1806; MSS. Spanish Archives.

“The Secretary of State,” according to Dayton’s story, “with whom Miranda had two conferences, doubtless suspecting the origin of this mission, had at first treated him with reserve; but at last had opened himself so far as to say that he did not know whether the United States would or would not declare war against Spain, because this step must depend on Congress; that in this uncertainty he could not permit himself to offer Miranda the aid asked; but that if private citizens in the United States chose to advance their funds for the undertaking, as Miranda had suggested, the Government would shut its eyes to their conduct, provided that Miranda took his measures in such a way as not to compromise the Government. At the same time the secretary coincided in Miranda’s idea that in case the United States should determine upon war with Spain, this undertaking would prove to be a diversion favorable to the views of the American government.”

This had been told to Yrujo, and reported by him to his Government before the visit to the capital. In the excitement caused by Madison’s order to leave Washington, Yrujo confided in General Turreau, and went so far as to hint to Madison himself his knowledge that Madison was engaged in “hatching plots” against Spain. Dayton’s latest information was still more serious. Besides exact details in regard to the force and destination of Miranda, Dayton said it had been agreed between Madison and Miranda that the Government should use the pretext of asking Yrujo’s recall in order to refuse to receive communications from him, and thus prevent

him from claiming official interference against the "Leander."

No sooner did the idea of a profound intrigue effect a lodgment in the Spaniard's mind, than he turned it into a means of wounding the Secretary of State. After writing letters the whole night, and sending off swift-sailing pilot-boats to warn the Spanish authorities of Miranda's plans, the marquis turned his attention to the secretary. He sent a letter to the Department, complaining that the "Leander" had been allowed to sail; but knowing that the Department would decline to receive his letter, he took another measure which secured with certainty a hearing. He wrote a similar letter to Turreau, begging his interference.¹

Turreau could not refuse. No sooner did he receive Yrujo's letter, February 7, than he went to the Department and had an interview with the secretary, which he reported to Yrujo on the same day:²—

"I was this morning with Madison. I imparted to him my suspicions and yours. I sought his eyes, and, what is rather rare, I met them. He was in a state of extraordinary prostration while I was demanding from him a positive explanation on the proceedings in question. It was with an effort that he broke silence, and at length answered me that the President had already anticipated my representations by ordering measures to be taken against the accomplices who remained in the country and

¹ Yrujo to Turreau, Feb. 4, 1806; MSS. Spanish Archives.

² Turreau to Yrujo, Feb. 7, 1806; MSS. Spanish Archives.

against the culprits who should return. I leave you to judge whether I was satisfied by this answer, and I quit-
ted him somewhat abruptly in order to address him in writing. I am occupied in doing so."

Madison might well show disturbance. To conciliate Turreau and Napoleon had been the chief object of his policy since the preceding October. For this he had endured arrogance such as no other American secretary ever tolerated. The Florida negotiation had not yet begun; John Randolph had delayed it and declaimed against it until Madison's reputation was involved in its success. Turreau held its fate in his hand; and suddenly Turreau appeared, demanding that Madison should prove himself innocent of charges that involved a quarrel with France as the ally and protector of Spain, while Madison had in his desk the parting letter from Miranda which if published would have proved the truth of these charges to the mind of every diplomatist and political authority in Europe.

Before many days had passed, Yrujo set the Federalist press at work. The President removed Smith from his office of surveyor, and caused both Smith and Ogden to be indicted. Indignant at being, as they believed, sacrificed to save Madison, Smith and Ogden sent memorials to Congress, which were presented by Josiah Quincy, April 21, the last day of the session, when the House was already irritable and the endurance of Madison's friends was exhausted by the vexatious attacks to which they had been for so many

months exposed without capacity to reply or power to prevent them. John G. Jackson of Virginia, who had already invited a duel with Randolph, broke into a furious tirade against Quincy. "I say it is a base calumny of which the gentleman has made himself the organ; and in saying so I hold myself responsible in any place the gentleman pleases." The House voted by an immense majority to return the memorials to the men from whom they came. The charges against the secretary were hustled aside, and Congress adjourned with what little dignity was left it; but Yrujo won his victory, and gave to the Secretary of State the fullest equivalent for the secretary's assault. For another year he defied his enemy by remaining as Spanish minister in America; but he held no more relations with Government, and at his own request was then sent to represent Don Carlos IV. at the Court of Eugène Beauharnais at Milan.

Thus the first session of the Ninth Congress closed, April 21, 1806, leaving the Administration master of the field, but strong in numbers alone. How long a government could maintain its authority by mere momentum of inert mass had become a serious question to Jefferson and his successor.

CHAPTER IX.

As the members of Congress, after their wrangles, at last, April 22, wandered homeward, and John Randolph's long, lean figure disappeared on horseback beyond the Potomac, both the President and the Secretary of State drew a sigh of relief; for never before in the history of the Government had a President been obliged to endure such public insults and outrages at the hands of friend and enemy alike. The Federalists had quarrelled with each other as bitterly as the Republicans were quarrelling, but in Congress at least they had held their peace. Under their sway neither Spain, France, nor England insulted them or their Presidents with impunity. Sanguine as Jefferson was, he could not but feel that during two sessions he had been treated with growing disrespect both in Congress and abroad; and that should the contempt for his authority increase, his retirement would offer melancholy proof that the world no longer valued his services. So clearly did he see the danger that, as has been shown, he would gladly have changed the external appearance of his policy. February 18, 1806, he wrote his letter declaring himself convinced that Europe must be taught

to know her error in supposing his Government to be "entirely in Quaker principles;"¹ and that unless this idea could be corrected, the United States would become the plunder of all nations. The attempt to teach Europe her error made his position worse. A month later, after the President had done all that he dared to do toward allaying the fears of Europe, the British minister at Washington wrote that both the American government and the American people, so far from meaning to use force, were trembling lest Great Britain should declare war:²

"The fear and apprehension of such a crisis is manifestly so great that I think I may venture to say that should his Majesty's government, in consequence of the menace insinuated in the President's Message, have thought proper to make any demonstration of their determination to resist whatever measures might be adopted here, by sending a reinforcement to the British squadron on the American station sufficiently great to be noticed, such a measure on their part would have the salutary effect of putting a stop at once to all the hostile proceedings of this Government."

In view of speeches like those of Gregg, Crowninshield, and Randolph, with their running commentary on the President's policy, such a conclusion as that which Merry had reached could not be called unjust. A few weeks afterward the British minister found

¹ See p. 111.

² Merry to Lord Mulgrave, March 19, 1806 ; MSS. British Archives.

his theory put to a severe test. April 25, 1806, soon after the adjournment of Congress, an event occurred which seemed calculated to bring the two nations into collision. The "Leander," the "Cambrian," and the "Driver," blockading the port of New York, were in the habit of firing shot across the bows of merchant vessels in order to bring them to. According to the British account, — which was of course as favorable to the frigate as possible, — a shot fired by the "Leander" to stop a passing vessel happened by an unlucky chance to be in line with a coasting sloop far beyond, and killed one John Pierce, brother of the coaster's captain. Making his way to the city with the mangled body of his brother, the captain roused New York to excitement over the outrage. A meeting of citizens was held at the Tontine Coffee-house; but the Republicans allowed the Federalist leaders to conduct it. Rufus King, Oliver Wolcott, and other well-known enemies of President Jefferson reported a series of resolutions censuring the Government for permitting the seizures, impressments, and murders which were a consequence of the blockade, recommending that all intercourse with the blockading squadron should be stopped, and advising that John Pierce should be buried with a public funeral. Meanwhile the people took the law into their own hands, intercepting supplies for the squadron, and compelling the few British officers on shore to hide themselves. Pierce's funeral was turned into a popular demonstration. Captain Whithy of the "Leander"

was indicted for murder by the grand jury ; and the mayor despatched to Washington the necessary affidavits, on which the President might rest such further action as should seem fit.

Jefferson was greatly annoyed at this new misfortune, which allowed his Federalist enemies to charge upon him responsibility for British aggressions. In truth the Federalist merchants were the chief opponents of war with England ; and their patriotic feeling was for the most part a sham. Yet the matter could not be ignored ; and accordingly, May 3, the President issued a proclamation closing the ports and harbors of America forever to the three British frigates and to their commanders, and ordering all officers of the United States to arrest Captain Whitby wherever he might be found within American jurisdiction. This manner of redressing his own wrongs placed Jefferson at a disadvantage in asking for redress from Fox, who might naturally reply that if the United States government chose to make its appeal to municipal law, it could not expect the Government of Great Britain to offer further satisfaction ; but popular excitement was for the moment more important than diplomatic forms.

Jacob Crowninshield, returning from Washington to Massachusetts after the adjournment of Congress, happened to be in New York at the time of Pierce's funeral, and wrote to the President on the subject. The President, May 13, answered his letter at some length.

“ Although the scenes which were acted on shore,” he said,¹ “ were overdone with electioneering views, yet the act of the British officer was an atrocious violation of our territorial rights. The question what should be done was a difficult one. The sending three frigates was one suggestion. . . . While we were thus unable to present a force of that kind at New York, we received from Mr. Merry the most solemn assurances that the meeting of the three British vessels at New York was entirely accidental, from different quarters, and that they were not to remain. We concluded, therefore, that it was best to do what you have seen in the proclamation, and to make a proper use of the outrage and of our forbearance at St. James’s to obtain better provisions for the future.”

This was not all. Jefferson avowed himself in favor of a navy. His fifty new gunboats would, he thought, put New Orleans and New York in safety :

“ But the building some ships of the line, instead of our most indifferent frigates, is not to be lost sight of. That we should have a squadron properly composed to prevent the blockading our ports is indispensable. The Atlantic frontier, from numbers, wealth, and exposure to potent enemies, has a proportionate right to be defended with the western frontier, for whom we keep up three thousand men. Bringing forward the measure, therefore, in a moderate form, placing it on the ground of comparative right, our nation, which is a just one, will come into it, notwithstanding the repugnance of some on the subject when first presented.”

That Jefferson should repeat the opinions and echo the arguments of the Federalist Presidents was an

¹ Jefferson’s Writings (Ford), viii. 451.

experience worth noting ; but as a matter of statesmanship, there was reason to fear that the change came too late. The theory of peaceable coercion had been made the base of Jefferson's foreign policy ; and upon it his fortunes must stand or fall. Merry, though willing to quiet President Jefferson's fears so far as concerned the accident of Pierce's death, was little affected by the outcry of New York, for he saw that the United States government could not change its pacific system. He wrote to Fox an urgent remonstrance against concession to American demands : ¹

“I consider it my duty to accompany this statement with a conviction on my part, from what is evident of the division of parties throughout the United States, from the weakness of the Government, from the prominent passion of avarice which prevails among every class of the community, and their intolerance under internal taxes, which must be imposed in the event of a war with any Power, that should his Majesty's government consider the pretensions that are asserted from hence as unjust, and be therefore disposed to resist them, such a resistance would only be attended with the salutary effect of commanding from this Government that respect which they have recently lost toward Great Britain.”

Within the last year England had seized a large portion of American shipping and commerce ; hundreds of American citizens had been taken by force from under the American flag, some of whom were already lying beneath the waters off Cape Trafalgar ;

¹ Merry to C. J. Fox, May 4, 1806 ; MSS. British Archives.

the port of New York had been blockaded by a British squadron, which drew its supplies from the city, and lay habitually within its waters, except when engaged in stopping and searching vessels beyond the three-mile line; and at last an American citizen was killed within American jurisdiction by the guns of the blockading squadron. In return the United States government had threatened to buy no more fine woollens and silks from England; and had stopped the fresh meat and vegetables which the officers of the "Cambridgian" and "Leander" were in the habit of procuring in the New York market. That Merry should still complain, that he should wish to stifle even this whisper of protest, and should talk of the American government in the same breath as trembling with fear and as having lost respect toward England, showed that he had a memory better than his powers of observation. He was still brooding over Jefferson's *pêle-mêle* and his heelless slippers.

For that offence, committed in the heyday of diplomatic triumph, the President had bitterly atoned. As Jefferson twisted and twined along a course daily becoming more tortuous, he found that public disaster was followed by social trials; on all sides he felt the reaction of his diplomatic failures. This kind of annoyance left little trace in history, and was commonly forgotten or ignored by the people; but Jefferson was more than commonly sensitive to social influences, and if it annoyed him to be slandered, it annoyed him still more to be laughed at. He could not re-

taliate, and the more he exerted himself to appear above his vexations, the more he exposed himself to ridicule.

General Turreau, with grim amusement, reported faithfully what he saw and heard. At one moment Jefferson, trying to discover some plan for checking British authority, broached to the minister of Napoleon a scheme for uniting all Christian Powers in a novel alliance against each other's aggressions.

"Your Excellency will of course understand," wrote the sardonic Turreau to the saturnine Talleyrand,¹ "that it is not a system of armed neutrality which Mr. Jefferson would like to see established. Everything which tends to war is too far removed from his philanthropic principles, as it is from the interests of his country and the predominant opinion. The guaranty of neutrals would repose on the inert force of all the Powers against the one that should violate the neutral compact, and whose vessels would then find all foreign ports shut to them."

Turreau was amused by the incongruity of inviting Napoleon Bonaparte not only to protect neutral rights, but to do so by peaceful methods, and to join with Great Britain in a Christian confederation which should have for its main object the protection of American commerce, in order to save President Jefferson the expense of protecting it himself; but the humor of the scheme was not to be compared with its rashness. Had Jefferson foreseen the future, he

¹ Turreau to Talleyrand, Jan. 15, 1806; Archives des Aff. Étr., MSS.

would have abstained from suggesting ideas to a despot of Napoleon's genius.

Turreau entertained at heart a liking for Jefferson ; and indeed no one could come within the President's kindly influence without admitting its charm. "There is something voluptuous in meaning well." There was something voluptuous in Jefferson's way of meaning well ; and if the quality increased the anger of the New England Puritans, who saw in it only hypocrisy, or if it drove John Randolph nearly to frenzy, it softened the hearts of bystanders like Turreau, who atoned for their weakness toward the President by contempt for his favorite the Secretary of State. May 10 Turreau wrote to Talleyrand :

"This infatuation of Mr. Jefferson for a commonplace man, whose political opinions are becoming every day more and more an object of suspicion to the leaders of the dominant party, will not surprise those who know the actual chief of the Federal government. Mr Jefferson as a private man joins to estimable qualities an uncommon degree of instruction ; he cultivates successfully philosophy, the sciences, and the arts ; he knows well the true interests of his country ; and if he seems sometimes to sacrifice them, or at least to offend them, when they do not accord with his extreme popularity, this is not with him the result of matured reflection, but only of a kindly sentiment, the impulse of which he blindly follows. But in my opinion Mr. Jefferson lacks the first of the qualities which make a statesman ; he has little energy, and still less of that audacity which is indispensable in a place so eminent, whatever may be the form of government. The

slightest event makes him lose his balance, and he does not even know how to disguise the impression he receives. Although the last session was quite stormy, it was easy to foresee that everything would end in propositions of agreement, because no one wished war; and yet Mr. Jefferson has worried himself so much with the movements of Congress that he has made himself ill, and has grown ten years older. Not that he has yet reached the point of repenting having begun a second term. What has further contributed to render his position disagreeable is the drawing off of a part of his friends, and even of the diplomatic corps, who, with the exception of the French minister, no longer visit the President. This isolation renders him the more sensible to the reiterated outrages he receives in Congress even in open session. I have certain information that he has been extremely affected by it.”¹

Neither these annoyances nor the unlucky accident of Pierce's death, following so long a series of political misfortunes, could prevent the skies from clearing with the coming spring. If the Southern Republicans for a time seemed, as General Smith said, to be falling away daily from the Administration, the President could still congratulate himself on the steadiness of the Northern democrats, who asked for no better fortune than to be rid forever of John Randolph's tyranny. On the whole, Jefferson was well pleased with the behavior of his majority. His chief care was to find a parliamentary leader who could

¹ Turreau to Talleyrand, May 10, 1806; Archives des Aff. Étr., MSS.

take Randolph's place; and he was willing that this leadership should pass out of Virginia hands, even though it should fall into the hands of Massachusetts. He wrote to Barnabas Bidwell, urging him to take the vacant position:¹—

“The last session of Congress was indeed an uneasy one for a time; but as soon as the members penetrated into the views of those who were taking a new course, they rallied in as solid a phalanx as I have ever seen act together. They want only a man of business and in whom they can confide to conduct things in the House, and they are as much disposed to support him as can be wished. It is only speaking a truth to say that all eyes look to you.”

Jefferson's great hope seemed likely soon to be realized beyond his own anticipations, when New England should not only accept democratic principles, but should also control the party which Virginia had brought into power. In the April election of 1806 Massachusetts chose a democratic legislature; the Federalist Governor Strong was re-elected by only a few hundred votes, while a democrat was actually elected for lieutenant-governor. The conduct of England, which caused Jefferson his most serious difficulties abroad, worked in his favor among the people of America, who were more patriotic than their leaders, and felt by instinct that whatever mistakes in policy their Government might commit, support was the alternative to anarchy.

¹ Jefferson to Bidwell, July 5, 1806; Works, v. 14; Jefferson MSS.

The factions in New York and Pennsylvania fought their tedious and meaningless battles, which had no longer a national interest. The newspapers continued to find in personal abuse the most lively amusement they could furnish to their readers. The acts of Jefferson and Madison were extolled or vilified according to the partisan division of the press; and material for attack and defence was never lacking. During the summer of 1806 Miranda's expedition and the trial of Smith and Ogden, which resulted from it, filled many columns of the papers. Conviction of these two men for violating the neutrality laws seemed to be the President's earnest wish; yet when members of the Administration were subpoenaed for the defence, Jefferson ordered them to disobey the summons, alleging that their attendance in court would interfere with their performance of official duties. The question whether this rule was proper in practice or correct in law came soon afterward before the Supreme Court, and received elaborate discussion; but in the case of Smith and Ogden, the refusal of Madison to obey the subpoena was a political necessity. Had he been forced into the witness-box, he must have produced Miranda's letter; and in the face of evidence so compromising to the superior officers of government, no jury would have convicted a subordinate.

Before the trial began, the President removed Smith from his office of surveyor of the port of New York; and after its close he removed Swartwout from the

post of marshal. The reasons for punishing Swartwout were given in a Cabinet memorandum written by Jefferson: —

“Swartwout the marshal, to whom in his duel with Clinton Smith was second, summoned a panel of jurors the greater part of which were of the bitterest Federalists. His letter, too, covering to a friend a copy of ‘Aristides,’ and affirming that every fact in it was true as Holy Writ. Determined unanimously that he be removed.”

Thanks to Swartwout’s jury and to Madison’s share in Miranda’s confidence, Smith was acquitted. As in many other government cases, the prosecution ended in a failure of justice.

The Spaniards easily defeated Miranda, and captured or drove away his forces. Events followed with such rapidity that this episode was soon forgotten. Yrujo did his utmost to keep it alive. The Federalist newspapers printed more than one attack on Madison evidently from Yrujo’s pen, which annoyed the secretary and his friends; while Yrujo remained in the country only by way of bravado, to prove the indifference of his Government to the goodwill of the United States. On the Texan frontier the Spaniards showed themselves in increasing numbers, until a collision seemed imminent. Wilkinson, on his side, could collect at Natchitoches no force capable of holding the Red River against a serious attack. Whether Wilkinson himself were not more dangerous than the Spaniards to the government of the United

States was a question which disturbed men like John Randolph more than it seemed to interest Jefferson.

Fortunately the Treasury was as strong as the Army and the Foreign Department were weak. Gallatin made no mistakes; from the first he had carried the Administration on his shoulders, and had defied attack. Duane hated him, for Gallatin's influence held Duane in check, and seemed the chief support of Governor McKean in Pennsylvania; but Duane's malignity could find no weak point in the Treasury. The revenue reached \$14,500,000 for 1806, and after providing the two millions appropriated for the Florida purchase, left a balance for the year of four hundred thousand dollars beyond all current demands. The Treasury held a surplus of at least four millions. The national debt was reduced to less than \$57,500,000; and this sum included the Louisiana stock of \$11,250,000, which could not be paid before the year 1818. After the year 1808, Gallatin promised an annual surplus of five or six millions, ready for any purpose to which Congress might choose to apply it. Even the Federalists gave up the attempt to attack the management of the Treasury; and if they sometimes seemed to wish for a foreign war, it was chiefly because they felt that only a war could shake the authority and success of Gallatin. "For many years past," wrote Timothy Pickering in 1814,¹ "I have said, 'Let the ship run

¹ Pickering to Gouverneur Morris, Oct. 21, 1814; Lodge's Cabot, p. 535.

aground ! The shock will throw the present pilots overboard ; and then competent navigators will get her once more afloat, and conduct her safely into port.' ” Only war with England, by breaking down the Treasury, could effect Pickering's purpose.

Of such a war, in spite of the Rule of 1756, the blockade of New York, the impressment of seamen, and the slaughter of Pierce, there was no immediate prospect. The death of William Pitt and the accession of Charles James Fox to power quieted fear. The American people were deliberately resolved not to join in the outburst of passion which Pierce's death caused in New York. Little sense was felt of a common interest between agriculture and shipping ; so that even the outrage of Pierce passed without stirring men who followed the plough and swung the scythe. New York was but a seaport, half foreign in population and interests, an object of jealousy to good citizens, who looked askance at manufactures and middlemen. The accidental death of a seaman was no matter of alarm. Every patriotic American wanted peace with England, and was glad to be told that Fox had promised pleasant things to Monroe.

Although the merchants had been robbed, the people at large were more prosperous and contented than ever. The summer of 1806 was one of quiet and rapid progress. While Europe tossed on her bed of pain, and while Russia built up the fourth coalition against Napoleon, only to drench with blood the battle-fields

of Jena, Eylau, and Friedland, the United States moved steadily toward their separate objects, caring little for any politics except their own. In foreign affairs their government, after threatening to break through the bounds it had set to its own action and to punish the offenders of its dignity, ended by returning to its old ground and by avowing, as in 1801, that war was not one of its weapons. In domestic matters no serious division of opinion existed. The American people went to their daily tasks without much competition or mental effort, and had no more wish to wrangle about problems of the future than to turn back on their path and face Old-World issues. Every day a million men went to their work, every evening they came home with some work accomplished; but the result was matter for a census rather than for history. The acres brought into cultivation, the cattle bred, the houses built, proved no doubt that human beings, like ants and bees, could indefinitely multiply their numbers, and could lay up stores of food; but these statistics offered no evidence that the human being, any more than the ant and bee, was conscious of a higher destiny, or was even mechanically developing into a more efficient animal. As far as politics proved anything, the evidence seemed to show that the American tended already to become narrow in his views and timid in his methods. The great issues of 1776 and of 1787 had dwindled into disputes whether robbery and violence should be punished by refusing to buy millinery and

hardware from the robbers, and whether an unsuccessful attempt to purloin foreign territory should be redeemed by bribing a more powerful nation to purloin it at second hand. The great issues of democracy and republicanism were still alive, but their very success removed these subjects for the moment from the field of politics. That a democracy could for so long a time maintain itself above Old-World miseries was a triumph; but thus far the democracy had been favored by constant good fortune, and even in these five years conservatives thought they felt a steady decline of moral tone. What would happen when society should be put to some violent test?

In politics nothing that proved progress could be seen. In other directions little positive result had been reached.

Far in the wilderness a few men, in the pay of the United States government, were toiling for the advancement of knowledge. In the summer of 1805 General Wilkinson ordered Lieutenant Pike, a young officer in the first infantry, to take a sergeant, a corporal, and seventeen privates, and ascertain the true sources of the Mississippi. For scientific purposes such a party of explorers could do little of permanent value, but as a military reconnoissance it might have uses. Lieutenant Pike worked his way up the stream from St. Louis. October 16, 1805, he reached a point two hundred and thirty-three miles above the Falls of St. Anthony, and there stopped to establish a winter station. December 10 he started

again with a part of his men and went northward with sleds until, Jan. 8, 1806, he reached a British trading-station on Sandy Lake, from which he struggled to Leech Lake, where another British establishment existed. His visit was rather an act of formal authority than a voyage of exploration; but he notified both the British and the Indian occupants of the territory that they were under the rule of the United States government. After accomplishing this object he began his return march February 18, and reached St. Louis April 30, 1806, having shown such energy and perseverance in this winter journey as few men could have surpassed.

General Wilkinson was so well pleased with the success of the expedition that he immediately ordered Pike upon another. This time the headwaters of the Arkansas and Red rivers were to be explored as far as the Spanish settlements of New Mexico. July 15, 1806, with about the same number of men as before, Pike left St. Louis, and September 1 reached the Osage towns on the Missouri River. Striking across the prairie, he marched through a country filled with jealous Pawnee Indians, till he reached the Arkansas River, and ascending its branches, left a permanent monument to his visit by giving his name to Pike's Peak in Colorado. Turning toward the southwest, he entangled himself in the mountains; and after suffering terribly in snow and ice, at last, Feb. 26, 1807, was stopped by the Spanish authorities at Santa Fé, who sent him to Chihuahua, and thence

allowed him to return through Texas to the United States.

Both these expeditions were subordinate to the larger exploration of Lewis and Clark, which President Jefferson himself organized, and in which he took deep interest. After passing the winter at the Mandan village, as has been already told, Lewis with thirty-two men set out April 7 in boats and canoes for the headwaters of the Missouri. The journey proved to be full of labor, but remarkably free from danger; the worst perils encountered were from rattlesnakes and bears. The murderous Sioux were not seen; and when, August 11, Lewis reached the end of river navigation, and found himself at the base of the mountains that divided the waters of the Missouri from those of the Columbia, his greatest anxiety was to meet the Indians who occupied the line of passage. His troubles rose from the poverty, rather than from the hostility, of these tribes. They supplied him with horses and with such provisions as they had, and he made his way peacefully down the western slope until he could again take canoes. November 7 the explorers reached the mouth of the Columbia River, and saw at last the ocean which bounded American ambition. There they were forced to pass the winter in extreme discomfort, among thievish and flea-bitten Indians, until March 26, 1807, they could retrace their steps.

Creditable as these expeditions were to American energy and enterprise, they added little to the stock

of science or wealth. Many years must elapse before the vast region west of the Mississippi could be brought within reach of civilization. The crossing of the continent was a great feat, but was nothing more. The French explorers had performed feats almost as remarkable long before; but, in 1805, the country they explored was still a wilderness. Great gains to civilization could be made only on the Atlantic coast under the protection of civilized life. For many years to come progress must still centre in the old thirteen States of the Union. The expeditions of Lewis and Pike returned no immediate profits; but in the city of New York men were actively engaged in doing what Lewis could not do,—bringing the headwaters of the western rivers within reach of private enterprise and industry. While Lewis slowly toiled up the Missouri River, thinking himself fortunate if he gained twenty miles a day against the stream, the engine which Robert Fulton had ordered from the works of Watt and Bolton in England had been made, and Fulton returned to New York to superintend its use. With the money of Chancellor Livingston he began to construct the hull of his new steamboat and adjust it to the engine.

The greatest steps in progress were often unconsciously taken, and Fulton's steamboat was an example of this rule. Neither in private talk nor in the newspapers did his coming experiment rouse much notice. To the public, Fulton's idea, though visionary, was not new. Indeed Fulton stood in immi-

nent danger of being forestalled by rivals. In 1804 Oliver Evans experimented with a stern-wheel steam-boat on the Delaware River, while at the same time John C. Stevens was experimenting with a screw-propeller on the Hudson. Nothing practical had as yet come from these attempts. The public seemed to regard them as matters which did not concern it, and the few thousand dollars needed to pay for a proper engine and hull could with difficulty be wrung from capitalists, who were derided for their folly. Fulton worked with better support than his predecessors had enjoyed, but with little encouragement or show of interest from the press or the public.

So far as concerned activity of mind, politics still engrossed public attention. The summer of 1806, quiet and prosperous as it seemed, betrayed uneasiness,—a mysterious political activity, connected with no legitimate purpose of party. Except in Connecticut and Massachusetts, the Federalists, as an organized body, could hardly be said to exist. Democrats, Republicans, and Federalists were divided for the moment rather by social distinctions than by principle; but the division was not the less real. Every year added strength to the national instinct; but every year brought also a nearer certainty that the denationalizing forces, whether in New England under Timothy Pickering, or in Virginia under John Randolph, or in Louisiana under some adventurer, would make an effort to break the chain that hampered local interests and fettered private ambition. Under

a Virginia President and a slave-owning majority of Congress, the old anti-national instinct of Virginia was paralyzed, and the dangers to rise from it were postponed; but the freer play was given to the passions of Boston and New Orleans,—to the respectable seditiousness of Timothy Pickering and the veneered profligacy of Aaron Burr. The time had come when Burr was to bring his conspiracy to the test of action, and to try the strength of a true democracy. During the autumn of 1806 Burr's projects and movements roused a sudden panic, less surprising than the tolerance with which his conspiracy had been so long treated by the President and the press.

CHAPTER X.

WHEN Burr ceased to be Vice-President of the United States, March 4, 1805, he had already made himself intimate with every element of conspiracy that could be drawn within his reach. The list of his connections might have startled Jefferson, if the President's easy optimism had not been proof to fears. In London, Burr's friend Colonel Williamson confided his plans to Pitt and Lord Melville. At Washington the British minister, Merry, wrote to Lord Mulgrave in support of Williamson's negotiation. The creole deputies from New Orleans were Burr's friends, and Derbigny was acquainted with "certain projects" he entertained. General Wilkinson, governor of the Louisiana Territory, whose headquarters were at St. Louis, closely attached to Burr almost from childhood, stood ready for any scheme that promised to gratify inordinate ambition. James Brown, Secretary of the Territory, was Burr's creature. Judge Prevost, of the Superior Court at New Orleans, was Burr's stepson. Jonathan Dayton, whose term as senator ended the same day with Burr's vice-presidency, shared and perhaps suggested the "projects." John Smith, the senator from Ohio, was

under the influence of Burr and Dayton. John Adair of Kentucky was in Wilkinson's confidence. The Swartwouts in New York, with the "little band" who made Burr their idol, stood ready to follow him wherever he might lead. In South Carolina Joseph Allston, the husband of Theodosia Burr, might be induced to aid his father-in-law; and Allston was supposed to be the richest planter in the South, worth a million of dollars in slaves and plantations. The task of uniting these influences and at a given moment raising the standard of a new empire in the Mississippi Valley seemed to an intriguer of Burr's metal not only feasible, but certain of success.

After the parting interview with Merry in March, 1805, when they arranged terms to be asked of the British government, Burr went to Philadelphia, and in April crossed the mountains to Pittsburg, on his way to New Orleans. Wilkinson was to have joined him; but finding that Wilkinson had been delayed, Burr went on alone. Floating down the Ohio, his ark lashed to that of Matthew Lyon, he first stopped a few hours at an island about two miles below Parkersburg, where an Irish gentleman named Blennerhassett lived, and where he had spent a sum, for that day considerable, in buildings and improvements. The owner was absent; but Mrs. Blennerhassett was at home, and invited Burr to dinner. The acquaintance thus begun proved useful to him. Passing to Cincinnati, he became, May 11, 1805, a guest in the house of Senator Smith. Dayton was

already there; but Wilkinson arrived a few days later, after Burr had gone on by land to Nashville. Wilkinson publicly talked much of a canal around the Falls of the Ohio River, to explain the community of interest which seemed to unite himself with Burr, Dayton, and Senator Smith; but privately he wrote, May 28, to John Adair, soon to be Breckenridge's successor as senator from Kentucky: "I was to have introduced my friend Burr to you; but in this I failed by accident. He understands your merits, and reckons on you. Prepare to visit me, and I will tell you all. We must have a peep at the unknown world beyond me."

Meanwhile Burr reached Nashville in Tennessee, where he was received with enthusiastic hospitality. Every one at or near the town seemed to contend for the honor of best treating or serving him.¹ Dinners were given, toasts were drunk; the newspapers were filled with his doings. No one equalled Andrew Jackson in warmth of devotion to Colonel Burr. At all times of his life Jackson felt sympathy with a duellist who had killed his man; but if his support was enlisted for the duellist who had killed Hamilton, his passions were excited in favor of the man who should drive the Spaniards from America; and Burr announced that this was to be the mission of his life. As major-general of the Tennessee militia, Jackson looked forward to sharing this exploit.

¹ Deposition of Matthew Lyon; Wilkinson's *Memoirs*, ii. Appendix, lxviii.

After spending a week or more at Nashville, Burr descended in one of General Jackson's boats to the mouth of the Cumberland, where his ark was waiting; and June 6 he joined General Wilkinson at Fort Massac,—a military post on the north shore of the Ohio River, a few miles above its junction with the Mississippi. The two men remained together at Massac four days, and Burr wrote to his daughter, Mrs. Allston: "The General and his officers fitted me out with an elegant barge, — sails, colors, and ten oars, — with a sergeant and ten able, faithful hands. Thus equipped, I left Massac on the 10th June." Wilkinson supplied him also with a letter of introduction to Daniel Clark, the richest and most prominent American in New Orleans. Dated June 9, 1805, it announced that the bearer would carry secrets. "To him I refer you for many things improper to letter, and which he will not say to any other."

While Burr went down the river to New Orleans, Wilkinson turned northward to St. Louis, where he arrived July 2. He was in high spirits and indiscreet. Two of his subordinate officers, Major Hunt and Major Bruff, afterward told how he sounded them,—and Major Bruff's evidence left no doubt that Wilkinson shared in the ideas of Burr and Dayton; that he looked forward to a period of anarchy and confusion in the Eastern States, as the result of democracy; and that he intended to set up a military empire in Louisiana. Already, June 24, he signed Lieutenant Pike's instructions to explore the head-

waters of the Arkansas River. Adair, certainly in the secret, believed the object of this expedition to be the opening of a road to Santa Fé and to the mines of Mexico.¹ Every recorded letter or expression of Wilkinson during the spring and summer of 1805 showed that he was in the confidence of Burr and Dayton; that he gave them active aid in their scheme for severing the Union; and that they in their turn embraced his project of Mexican conquest.

Burr reached New Orleans June 25, 1805, and remained a fortnight, entertained by the enemies of Governor Claiborne and of the Spaniards. Conspiracies were commonly most active and most dangerous when most secret; and the mark of secrecy, almost wholly wanting to this conspiracy in the Northern States, was never removed, by any public inquiry or admission, from its doings at New Orleans. According to the story afterward told by Wilkinson on the evidence of Lieutenant Spence, Burr on his arrival in Louisiana became acquainted with the so-called Mexican Association,—a body of some three hundred men, leagued together for the emancipation of Mexico from Spanish rule.² Of this league Daniel Clark afterward declared that he was not a member; but if his safety as a merchant required him to keep aloof, his sympathies were wholly with the Association. After Burr's arrival, and under his influ-

¹ Adair to Wilkinson, Jan. 27, 1806; Wilkinson's *Memoirs*, ii. Appendix, lxxvii.

² Wilkinson's *Memoirs*, ii. 283.

ence, the scheme of disunion was made a part of the Mexican plan; and these projects soon became so well known in New Orleans as to reach the ears of the Spanish agents and excite their suspicions, until Clark two months later complained to Wilkinson that Burr's indiscretion was bringing them all into danger.¹ Clark's letter was written as though he were an innocent bystander annoyed at finding himself included in an imaginary conspiracy against the Spanish government. In truth it seemed also to be written as a warning to Burr against trusting a certain "Minor of Natchez": —

"Were I sufficiently intimate with Mr. Burr, and knew where to direct a line to him, I should take the liberty of writing to him. Perhaps, finding Minor in his way, he was endeavoring to extract something from him, — he has amused himself at the blockhead's expense, — and then Minor has retailed the news to his employers. Inquire of Mr. Burr about this and let me know on my return [from Vera Cruz], which will be in three or four months. The tale is a horrid one if well told. Kentucky, Tennessee, the State of Ohio, the four territories on the Mississippi and Ohio, with part of Georgia and Carolina, are to be bribed with the plunder of the Spanish countries west of us to separate from the Union."

This letter, written by Clark, Sept. 7, 1805, showed that Burr's plans were notorious at New Orleans, and that his indiscretion greatly annoyed his friends.

¹ Daniel Clark to Wilkinson, Sept. 7, 1805; Wilkinson's *Memoirs*, ii. Appendix, xxxiii.

Two years afterward, Wilkinson reminded Clark of the letter.¹

"You will recollect," wrote Wilkinson, "you desired me to write Burr on the subject, which I did, and also gave his brother-in-law, Dr. Brown, an extract of your letter to transmit him."

Burr's reply has been preserved:—

"Your letter of November," he wrote to Wilkinson,² Jan. 6, 1806, "which came, I believe, through J. Smith, has been received and answered. Your friend [Clark] suspects without reason the person [Minor] named in his letter to you. I love the society of that person; but surely I could never be guilty of the folly of confiding to one of his levity anything which I wished not to be repeated. Pray do not disturb yourself with such nonsense."

Daniel Clark and Wilkinson were therefore assured, not that the tale was untrue, but that Burr had not confided to Minor, or "to one of his levity" anything which Burr "wished not to be repeated." Nevertheless Clark, whose abilities were far greater than those of Burr, and whose motives for secrecy were stronger, knew that Burr must have talked with extreme indiscretion, for his plans had already come to the ears of the Spanish agents in Louisiana. Many residents of New Orleans knew of the scheme,—
"many absurd and wild reports are circulated here,"

¹ Wilkinson to Clark, Oct. 12, 1807; Clark's Proofs, p. 154.

² Wilkinson's Memoirs, ii. Appendix, lxxxvi.

wrote Clark ; and whether they shared it or not, they certainly did not denounce it.

No plea of ignorance could avail any of Burr's friends. His schemes were no secret. As early as Aug. 4, 1805, more than a month before Daniel Clark sent his warning to General Wilkinson, the British minister was so much alarmed at the publicity already given to the plot that he wrote to Lord Mulgrave a panic-stricken letter, evidently supposing that the scheme was ruined by Burr's indiscretion : ¹—

“ He or some of his agents have either been indiscreet in their communications, or have been betrayed by some person in whom they considered that they had reason to confide ; for the object of his journey has now begun to be noticed in the public prints, where it is said that a convention is to be called immediately from the States bordering on the Ohio and Mississippi for the purpose of forming a separate government. It is, however, possible that the business may be so far advanced as, from the nature of it, to render any further secrecy impossible.”

The French minister was hardly less well informed. Feb. 13, 1806, Turreau wrote to his government,² mentioning Miranda's departure, and adding,—

“ The project of effecting a separation between the Western and Atlantic States marches abreast with this one. Burr, though displeased at first by the arrival of Miranda, who might reduce him to a secondary rôle, has

¹ Merry to Mulgrave, Aug. 4, 1805 ; MSS British Archives.

² Turreau to Talleyrand, Feb. 13, 1806 ; Archives des Aff. Étr., MSS.

set off again for the South, after having had several conferences with the British minister. It seems to me that the Government does not penetrate Burr's views, and that the difficult circumstances in which it finds itself, and where it has placed itself, force it to dissimulate. This division of the confederated States appears to me inevitable, and perhaps less remote than is commonly supposed; but would this event, which England seems to favor, be really contrary to the interests of France? And, assuming it to take place, should we not have a better chance to withdraw, if not both confederations, at least one of them, from the yoke of England?"

That Burr should have concealed from his principal allies — the creoles of New Orleans — plans which he communicated so freely elsewhere, was not to be imagined. Burr remained only about a fortnight at New Orleans; then returned on horseback through Natchez to Nashville, where he became again the guest of Andrew Jackson. He passed the month of August in Tennessee and Kentucky; then struck into the wilderness across the Indiana Territory to St. Louis in order to pass a week more with General Wilkinson and Secretary Brown. He found Wilkinson discouraged by the rebuffs he had met in attempting to seduce his subordinate officers and the people of the territory into the scheme. Although Wilkinson afterward swore solemnly that he had no part or parcel in Burr's disunion project, his own evidence proved that the subject had been discussed between them, and that his fears of failure had at

the time of their meeting at St. Louis checked his enthusiasm:¹—

“Mr. Burr, speaking of the imbecility of the government, said it would moulder to pieces, die a natural death,—or words to that effect; adding that the people of the Western country were ready to revolt. To this I recollect replying that if he had not profited more by his journey in other respects, he had better have remained at Washington or Philadelphia; for ‘surely,’ said I, ‘my friend, no person was ever more mistaken. The Western people disaffected to the government! They are bigoted to Jefferson and democracy.’”

Wilkinson afterward claimed to have written at that time a letter to the Secretary of the Navy warning him against Burr; but the letter never reached its supposed address. He certainly gave to Burr a letter of introduction to Governor Harrison, of the Indiana Territory, which suggested decline of sympathy with the conspiracy; for it urged Harrison to return the bearer as the Territorial delegate to Congress,—a boon on which the Union “may much depend.”²

Burr reached St. Louis Sept. 11, 1805; he left it September 19, for Vincennes and the East. Two months afterward he arrived at Washington and hurried to the British legation. His friend Dayton, who had been detained by a long illness in the West,

¹ Wilkinson's Evidence, Burr's Trial; Annals of Congress, 1807-1808, p. 611.

² Wilkinson's Memoirs, ii. 303.

arrived and made his report to Merry only two days before.

The conspiracy counted on the aid of Great Britain, which was to be the pivot of the scheme; but Burr's hopes were blasted by learning from Merry that no answer had been received from the British government in reply to the request for money and ships. Merry explained that an accident had happened to the packet-boat, but both had reason to know that hope of aid from the British government had vanished.

“These disappointments gave him, he [Burr] said,¹ the deepest concern, because his journey through the Western country and Louisiana as far as New Orleans, as well as through a part of West Florida, had been attended with so much more success than he had even looked for, that everything was in fact completely prepared in every quarter for the execution of his plan; and because he had therefore been induced to enter into an engagement with his associates and friends to return to them in the month of March next, in order to commence the operations. He had been encouraged, he said, to go such lengths by the communications he had received from Colonel Williamson, which gave him some room to hope and expect that his Majesty's government were disposed to afford him their assistance. . . . He was sensible that no complete understanding on the subject could well take place without verbal communication; but he flattered himself that enough might be explained in this way to

¹ Merry to Lord Mulgrave. Nov. 25, 1805; MSS. British Archives.

give a commencement to the business, and that any ulterior arrangements might safely be left till the personal interviews he should have with the persons properly authorized for the purpose, whom he recommended to be sent with the ships of war, which it was necessary should cruise off the mouth of the Mississippi at the latest by the 10th of April next, and to continue there until the commanding officer should receive information from him or from Mr. Daniel Clark of the country having declared itself independent. He wished the naval force in question to consist of two or three ships of the line, the same number of frigates, and a proportionable number of smaller vessels."

The British minister was curious to know precisely the result of the Western tour; but on this subject Burr talked vaguely, and, contrary to his usual custom, mentioned few names.

"Throughout the Western country persons of the greatest property and influence had engaged themselves to contribute very largely toward the expense of the enterprise; at New Orleans he represented the inhabitants to be so firmly resolved upon separating themselves from their union with the United States, and every way to be so completely prepared, that he was sure the revolution there would be accomplished without a drop of blood being shed, the American force in that country (should it not, as he had good reason to believe, enlist with him) not being sufficiently strong to make any opposition. It was accordingly there that the revolution would commence, at the end of April or the beginning of May, provided his Majesty's government should consent to lend their assistance toward it, and the answer,

together with the pecuniary aid which would be wanted, arrived in time to enable him to set out the beginning of March."

From Pitt, besides the naval force, Burr wanted a credit for one hundred and ten thousand pounds, to be given in the names of John Barclay of Philadelphia, and Daniel Clark of New Orleans. In his report to Merry on the results of the Western tour he said no more than he had a right to say, without violent exaggeration. He barely hinted at complicity on the part of Wilkinson, Smith, Adair, and Andrew Jackson. He gave Merry clearly to understand that the heart of his plot was not in the Ohio Valley, but at New Orleans. He laid little weight on the action of Kentucky or Tennessee; with him, the point of control was among the creoles.

"Mr. Burr stated to me — what I have reason to believe to be true from the information I have received from other quarters — that when he reached Louisiana he found the inhabitants so impatient under the American government that they had actually prepared a representation of their grievances, and that it was in agitation to send deputies with it to Paris. The hope, however, of becoming completely independent, and of forming a much more beneficial connection with Great Britain, having been pointed out to them, and this having already prevailed among many of the principal people who are become his associates, they had found means to obtain a suspension of the plan of having recourse to France."

Burr impressed Merry with the idea that West Florida was also to be taken within the scope of his

scheme. "The overture which had been made to him at New Orleans from a person of the greatest influence in East and West Florida, and the information he had otherwise acquired respecting the state of those countries," were among the reasons which he pressed upon the British government as motives for aiding the conspiracy with a naval force. England was then at war with Spain.

One more argument was pressed by Burr, for no one knew better than he the use to which New England might be put.

"He observed — what I readily conceive may happen — that when once Louisiana and the Western country became independent, the Eastern States will separate themselves immediately from the Southern; and that thus the immense power which is now risen up with so much rapidity in the western hemisphere will, by such a division, be rendered at once formidable."

Whatever may have been Merry's sympathies or wishes, he could do no more than report Burr's conversation to Lord Mulgrave with as much approval as he dared give it. Meanwhile Burr was thrown into extreme embarrassment by the silence of Mulgrave. Burr's report showed that the creoles in New Orleans, with Daniel Clark as their financial ally, were induced to countenance the conspiracy only because they believed it to be supported by England. Without that support Burr could not depend on creole assistance. Had he been wise, he would have waited; and perhaps he might in the end have brought the British

government to accept his terms. If Pitt intended to plunder American commerce and to kidnap American citizens, he must be prepared to do more; and Burr might calculate on seeing the British Tories placed by their own acts in a position where they could not afford to neglect his offers.

Burr stayed a week in Washington; and although the object of his Western journey was so notorious that even the newspapers talked about it, his reception at the White House and at the departments was as cordial as usual. About Dec. 1, 1805, he returned to Philadelphia, where he began the effort to raise from new sources the money which till then he hoped to provide by drafts on the British treasury. The conspirators were driven to extraordinary shifts. Burr undertook the task of drawing men like Blennerhassett into his toils, and induced Dayton to try an experiment, resembling the plot of a comic opera rather than the seriousness of historical drama.

Dec. 5, 1805, as Miranda was leaving New York to entrap Madison, three days after Burr had returned to Philadelphia from his unsatisfactory interview with Merry, the Marquis of Casa Yrujo, as yet innocent of conspiracy, and even flattering himself upon having restored friendly relations with the Government, received a secret visit at his house in Philadelphia from Jonathan Dayton, whom he had known at Washington as the Federalist senator from New Jersey. Dayton, in a mysterious manner, gave him to understand that

the Spanish government would do well to pay thirty or forty thousand dollars for certain secrets; and finding the marquis disposed to listen, Dayton recited a curious tale.

“This secret,” said he,¹ “is known at the present moment to only three persons in this country. I am one of them; and I will tell you that toward the end of the last session and near the end of last March Colonel Burr had various very secret conferences with the British minister, to whom he proposed a plan not only for taking the Floridas, but also for effecting the separation and independence of the Western States, — a part of this plan being that the Floridas should be associated in this new federative republic; England to receive as the price of her services a decisive preference in matters of commerce and navigation, and to secure these advantages by means of a treaty to be made as soon as she should recognize this new republic. This plan obtained the approval of the British minister, who sent it and recommended it to his Court. Meanwhile Colonel Burr has been in New Orleans, in the Mississippi Territory, in the States of Tennessee, Kentucky, and Ohio, to sound and prepare their minds for this revolution. In all these States he has found the most favorable disposition, not only for this emancipation, which the Western States evidently desire, but also for making an expedition against the kingdom of Mexico. This is an idea that occurred to us after sending the first plan to London; and having given greater extension to the project, Colonel Burr sent to London a despatch with his new ideas to Colonel Williamson, — an English officer who has been many years

¹ Yrujo to Cevallos, Dec. 5, 1805; MSS. Spanish Archives.

in this country, and whose return he expects within a month or six weeks. The first project was very well received by the English Cabinet, and more particularly by Mr. Dundas, or Lord Melville, who was the person charged with this correspondence; but as he had reason to fear dismissal from office for causes well known through the debates of Parliament, this plan has suffered some delay; but Mr. Pitt has again turned his attention to it."

On the strength of this information Dayton seriously proposed to terrify Yrujo and Don Carlos IV. into paying the expenses of Burr's expedition. An idea so fantastic could have sprung from no mind except Burr's; but, fantastic as it was, he pursued it obstinately, although by doing so he betrayed to Spain the followers whom he was striving to inveigle into an imaginary assault on Spanish empire. Dayton asserted that the revolution would begin on the appearance of the British squadron off the coast of West Florida in February or March, 1806; that to make this revolution more popular, after the Floridas were taken, the expedition against Mexico would be attempted; that they feared no opposition from a government so weak as the Federal; that the United States troops were all in the West, and that Colonel Burr had caused them to be sounded in regard to the expedition against Mexico; that they were all ready to follow him, and he did not doubt that there existed in them the same disposition to sustain the rights of the Western States, in which they lived, against

the impotent forces of the Federal government; that Mexico was to be assailed, in co-operation with the English fleet, by troops to be disembarked at Tampico or thereabout; and that the revolutionized Spanish possessions would be made republics.

To reveal such a plan was to destroy its chance of success; and in thus presenting himself before the Spanish minister Dayton appeared as a traitor not only to the Union, but also to the conspirators with whom he was engaged. Such a character was not likely to create confidence. Yrujo instantly saw that Burr stood behind Dayton; that England could not have encouraged the conspiracy, for, had she done so, the conspirators would never come to beg a few thousand dollars from Spain; and that the Mexican scheme, if it ever existed, must have been already abandoned, or it would not have been revealed. Dismissing the ex-senator with civility and a promise to talk with him further, Yrujo wrote to his Government a long account of the interview. He pointed at once to Clark as the person through whom Burr drew his information about Mexico. Yrujo was perplexed only by Jefferson's apparent blindness to the doings in the West. The marquis was a Spaniard; and for twenty years the people of the United States had talked of Spaniards with contempt. Even Jefferson freely assumed their faithlessness and paltriness; but surely if Yrujo had cared to concentrate in a few words his opinion of American political character, no American could have wondered if these

few words, like a flash of lightning, left no living thing where they struck.

“ I am sure,” he wrote to Cevallos, “ that the Administration will not let itself be deceived by Colonel Burr’s wiles ; but I know that the President, although penetrating and detesting as well as fearing him, and for this reason, not only invites him to his table, but only about five days ago had a secret conference with him which lasted more than two hours, and in which I am confident there was as little good faith on the one side as there was on the other.”

The assertion could not be denied. The White House rarely saw, within a few days’ interval, two less creditable guests than Aaron Burr, fresh from confiding his plans to Anthony Merry, and Francesco de Miranda, openly engaged in a military attack from the port of New York upon the dominions of Spain.

Yrujo was at first inclined to distrust Dayton ; but Miranda’s undertaking, which crossed Burr’s plans, gave to the ex-senator the means of proving his good faith. Indeed, in a few days more, Dayton made a clean breast, admitting that England had disappointed Burr’s expectations, and that Burr had authorized the offer to sell his services to Spain.

“ I have had with him two very long conferences,” wrote Yrujo three weeks later,¹ “ in which he has told me that Colonel Burr will not treat with Miranda, whom he considers imprudent, and wanting in many qualities necessary for an undertaking of such magnitude as he

¹ Yrujo to Cevallos, Jan. 1, 1806 ; MSS. Spanish Archives.

has on hand. Miranda has returned to New York, much piqued at finding that Colonel Burr was very determined to have nothing to do with him. He also told me that Colonel Williamson, who was sent to London with the plan for the British ministry, not finding Mr. Pitt so warm as Lord Melville for the project of raising the Western States, had turned to plans in that capital, and showed, by the want of exactness in his correspondence, that he was not following up the object with the same zeal as at first he undertook it; that in consequence they were disposed to despatch to London a New York gentleman named Warton, well known for his intimacy with Burr, but that on the verge of his departure another plan suggested itself to Burr, which he seems rather inclined to execute. This plan, excepting the attack on the Floridas, has the same object, which he, as well as his chief friends, hope may be put in execution even without foreign aid. For one who does not know the country, its constitution, and, above all, certain localities, this plan would appear almost insane; but I confess, for my part, that in view of all the circumstances it seems to me easy to execute, although it will irritate the Atlantic States, especially those called central, — that is, Virginia, Maryland, Delaware, Pennsylvania, New Jersey, and New York. It is beyond question that there exists in this country an infinite number of adventurers, without property, full of ambition, and ready to unite at once under the standard of a revolution which promises to better their lot. Equally certain is it that Burr and his friends, without discovering their true object, have succeeded in getting the good-will of these men, and inspiring the greatest confidence among them in favor of Burr."

The "almost insane" plan which Dayton unfolded to the Spanish minister was nothing less than to introduce by degrees into the city of Washington a certain number of men in disguise, well armed, who, at a signal from Burr, were to seize the President, Vice-President, and the President of the Senate,—the substitute always named at the beginning of each session, in case of the death, illness, or absence of the two first. Having thus secured the heads of government, the conspirators were to seize the public money deposited in the Washington and Georgetown banks, and to take possession of the arsenal on the Eastern Branch. Burr hoped by this blow to delay or paralyze opposition, and perhaps to negotiate with the individual States an arrangement favorable to himself; but in the more probable case that he could not maintain himself at Washington, he would burn all the national vessels at the Navy Yard, except the two or three which were ready for service, and embarking on these with his followers and the treasure, he would sail for New Orleans and proclaim the emancipation of Louisiana and the Western States.

Wild as this scheme was, it occupied Burr's mind for the rest of the winter, and he made many efforts to draw discontented officers of the government into it. He sounded Commodore Truxton, without revealing his whole object; but to William Eaton, the hero of Derne, he opened himself with as much confidence as to Merry and Yrujo. Eaton was at Washington in January and February, 1806, sore at the manner

in which his claims were treated by Congress, and extravagant in ideas of his own importance. To him Burr laid open the whole secret, even in regard to the plan for attacking Washington. The story was the same which had been told to Merry and Yrujo.¹ He spoke of Wilkinson as his second in command; of his son-in-law, Allston, as engaged in the enterprise; and of New Orleans as the capital of his Western empire, whence an expedition would be sent for the conquest of Mexico. The line of demarcation was to be the Alleghany Mountains; and although he expressed some doubts about Ohio, he declared himself certain of Kentucky and Tennessee.

“If he could gain over the marine corps and secure to his interests the naval commanders Truxton, Preble, Decatur, and others, he would turn Congress neck and heels out of doors, assassinate the President (or what amounted to that), and declare himself the protector of an energetic government.”

The scheme of attacking Washington was merely an episode due to Burr's despair of British or Spanish aid. Burr was reduced to many devices in order to keep his conspiracy alive. December 12, immediately after the disappointing interview with Merry, and Dayton's first advance to Casa Yrujo, Burr wrote to Wilkinson a letter evidently intended to conceal his diplomatic disaster and to deceive his friend. He said that there would be no war with Spain, and fore-

¹ Deposition of General Eaton; Life of William Eaton, p. 396.

told the peaceful course of Government.¹ "In case of such warfare, Lee would have been commander-in-chief. Truth, I assure you. He must you know come from Virginia." As to the conspiracy, he reserved it for a few short lines, intelligible enough to those who knew that New Orleans was to declare its independence on the arrival of a British squadron in February, and that the revolutionary government would at once send a delegation to Natchez or St. Louis to make a formal tender of military command to General Wilkinson.

"On the subject of a certain speculation it is not deemed material to write till the whole can be communicated. The circumstance referred to in a letter from Ohio remains in suspense. The auspices, however, are favorable, and it is believed that Wilkinson will give audience to a delegation, composed of Adair and Dayton, in February."

Meanwhile the Government asked no questions. Denunciation of Burr and Wilkinson was dangerous; it was tried again and again with disastrous results. Major Bruff, at St. Louis, who suspected the truth, dared not bring such a charge against his superior officer:² but a certain Judge Easton, to whom Burr confided at St. Louis, ventured to write a letter to a senator of the United States charging Wilkinson

¹ Burr to Wilkinson, Dec. 12, 1806; Wilkinson's Memoirs, ii. Appendix, lxxxiv.

² Evidence of Major Bruff, Burr's Trial; Annals of Congress, 1807-1808, p. 597.

with being concerned in Miranda's expedition; and was told in reply that the letter was burned, and that the writer should mind his own business, and take care how he meddled with men high in power and office. So thick an atmosphere of intrigue, especially in Spanish matters, was supposed to pervade the White House; men's minds were so befogged with public messages about a Spanish war and secret messages about peace, with private encouragement to Miranda and public punishment of Miranda's friends, with John Randolph's furious charges of duplicity and Madison's helpless silence under these charges,—that until the President himself should say the word, Burr, Wilkinson, Dayton, and their associates were safe, and might hatch treason in the face of all the world.

President Jefferson had already too many feuds on his hands, and Burr had still too many friends, to warrant rousing fresh reprisals at a time when the difficulties of the Administration were extreme. The President continued to countenance Burr in public, alleging in private that the people could be trusted to defeat his schemes. Doubtless the people could be trusted for that purpose, but they had instituted a government in order to provide themselves with proper machinery for such emergencies, and the President alone could set it in action. General Eaton made an attempt to put the President on his guard. He first consulted two leading Federalist Congressmen,—John Cotton Smith and Samuel Dana,—who

advised him to hold his tongue, for his solitary word would not avail against the weight of Burr's character.¹ Nevertheless, in March, 1806, he called at the White House and saw the President.

“After a desultory conversation, in which I aimed to draw his attention to the West, I took the liberty of suggesting to the President that I thought Colonel Burr ought to be removed from the country, because I considered him dangerous in it. The President asked where he should send him. I said to England or Madrid. . . . The President, without any positive expression, in such a matter of delicacy, seemed to think the trust too important, and expressed something like a doubt about the integrity of Mr. Burr. I frankly told the President that perhaps no person had stronger grounds to suspect that integrity than I had; but that I believed his pride of ambition had so predominated over his other passions that when placed on an eminence and put on his honor, a respect to himself would secure his fidelity. I perceived that the subject was disagreeable to the President; and to bring him to my point in the shortest mode, and in a manner which would point to the danger, I said to him, if Colonel Burr was not disposed of, we should in eighteen months have an insurrection, if not a revolution, on the waters of the Mississippi. The President said he had too much confidence in the information, the integrity, and attachment of the people of that country to the Union, to admit any apprehensions of that kind.”

If the President had confidence in the people of New Orleans, he had not shown it in framing a form

¹ Evidence of William Eaton, Burr's Trial; Annals of Congress, 1807-1808, pp. 511, 512.

of government for them; and if he admitted no apprehensions in March, 1806, he admitted many before the year closed. In truth, he deceived himself. That he was afraid of Burr and of the sympathy which Burr's career had excited, was the belief of Burr himself, who responded to Jefferson's caution by a contempt so impudent as to seem even then almost incredible. Believing that the President dared not touch him, Burr never cared to throw even a veil over his treason. He used the President's name and the names of his Cabinet officers as freely as though he were President himself; and no one contradicted or disavowed him. So matters remained at Washington down to the close of the session.

"I detailed," said Eaton,¹ "the whole projects of Mr. Burr to certain members of Congress. They believed Colonel Burr capable of anything, and agreed that the fellow ought to be hanged, but thought his projects too chimerical, and his circumstances too desperate, to give the subject the merit of serious consideration."

¹ Deposition of Jan. 26, 1807; Life of Eaton, p. 401.

CHAPTER XI.

THE death of Pitt destroyed all immediate possibility of drawing England into conspiracy with Burr, —if indeed a possibility had ever existed. The attempt to obtain money from Spain was equally hopeless. Except for Madison's conduct in receiving Miranda and refusing to receive Yrujo, Dayton would probably have obtained nothing from Spain; but the information he was able to give Yrujo in regard to Miranda's plans and proceedings deserved reward, and Dayton received at different times sums of money, amounting in all to about three thousand dollars, from the Spanish treasury. Dayton's private necessities required much larger sums.

Burr was also ruined. He could not return to New York, where an indictment hung over his head. Conspiracy was easier than poverty; but conspiracy without foreign aid was too wild a scheme for other men to join. Jefferson might at that moment have stopped Burr's activity by sending word privately to him and his friends that their projects must be dropped; but Jefferson, while closing every other path, left that of conspiracy open to Burr, who followed it only with much difficulty. In order to

retain any friends or followers he was obliged to deceive them all, and entangle himself and them in an elaborate network of falsehood. Dayton alone knew the truth, and helped him to deceive.

April 16, 1806, a few days before the adjournment of Congress, Burr wrote to Wilkinson a letter implying that Wilkinson had required certain conditions and an enlargement of the scheme; Burr assured him that his requirements, which probably concerned aid from Truxton, Preble, Eaton, and Decatur, had been fully satisfied:—

“The execution of our project is postponed till December. Want of water in Ohio rendered movement impracticable; other reasons rendered delay expedient. The association is enlarged, and comprises all that Wilkinson could wish. Confidence limited to a few. Though this delay is irksome, it will enable us to move with more certainty and dignity. Burr will be throughout the United States this summer. Administration is damned which Randolph aids. Burr wrote you a long letter last December, replying to a short one deemed very silly. Nothing has been heard from the Brigadier since October. Is Cushing and Porter right? Address Burr at Washington.”¹

Burr's letters to Wilkinson were always in cipher, and mysteriously worded; but in this despatch nothing was unintelligible. Wilkinson afterward explained that he was himself the “Brigadier,” and the two names were those of officers under his command.

¹ Wilkinson's Memoirs, ii. Appendix, lxxxiii.

The same western mail which carried this letter to Wilkinson carried another to Blennerhassett, inviting him to join in a "speculation," which would "not be commenced before December, if ever." Probably Burr made many other efforts to obtain money from petty sources; he certainly exerted himself to delude the Spanish government into lending him assistance. Hitherto he had left this task to Dayton, his secretary of state, but May 14, 1806, the Spanish minister wrote to Don Pedro Cevallos,¹—

"The principal [Burr] has opened himself to me; and the communications I have had with him confirm me in the idea, not only of the probability, but even of the facility, of his success, under certain circumstances. To insure it, some pecuniary aid on our part and on that of France is wanted. I have been careful to be very circumspect in my answers, and have not compromised myself in any manner; but when I return to Spain next spring I shall be bearer of the whole plan, with the details that may be wanted. There will also arrive in Spain before long, more or less simultaneously with me though by different ways, two or three very respectable persons, both from Louisiana and from Kentucky and Tennessee, with the same object. They all consider the interests of these countries as united and in conformity with those of Spain and France; but the principal, or more correctly the principals, here do not wish to open themselves to the Emperor Napoleon's minister [Turreau], as they lack confidence in him. Consequently, it will be proper either not to communicate the matter at all

¹ Yrujo to Cevallos, May 14, 1806; MSS. Spanish Archives.

to that government, or to do it with the intimation that its representative here shall not have the least notice of it; for, I repeat, they have no confidence in him, and this has been a condition imposed on me in the communications I have received."

Finding Yrujo obstinate in refusing to advance money, Burr tried to alarm him by pretending to take up again the scheme of attacking Florida and Mexico. June 9, 1806, Yrujo wrote another long despatch on the subject. Burr, he said, had suddenly ceased to visit him as frequently as usual, and Dayton had explained the coldness as due to Burr's belief that the new Administration in England would be more liberal and zealous than that of Pitt. Dayton added that Burr was drawing up new instructions for Williamson; that he had even decided to send Bollman to London to invite co-operation from the British government in an attack on the Spanish possessions. Dayton professed to have acted as the protector of Spain from Burr's unprincipled ambition.

"Dayton told me¹ he had observed to Burr that although he (Burr) was assuredly the principal, yet a plan of this nature ought to be put in deliberation in the cabinet council which certain chiefs are to hold in New Orleans in the month of December next, and that for his own part he thought this idea unjust and impolitic; to which Burr answered that they would always be able to alter the plan as circumstances should require, and that in fact this point, or at least the direction to be given to it, would be determined in New Orleans. Dayton told

¹ Yrujo to Cevallos, June 9, 1806; MSS. Spanish Archives.

me that he would oppose with all his strength measures of this nature, and that he knew General Wilkinson, who was to be a member of the Congress, would make the same opposition; and that in order to drive the idea of such a temptation out of Burr's head, and of other people's also, it would be well for us to reinforce our garrisons at Pensacola and Mobile, and that then the circumstance of our respectable condition of defence might be used as a weighty argument for abandoning such a project. After holding this conference with me, Dayton returned to his residence; and before starting, wrote me a note to say that the night before Burr had read him the instructions to be given to Bollman, and that they were of the tenor indicated to me."

Godoy and Cevallos were hardly so imbecile as to pay for creating at New Orleans a new American empire more dangerous to Spanish possessions than the peaceful republic over which Jefferson presided at Washington. Don Pedro Cevallos read Yrujo's despatches with great interest. At first he even hinted that if the United States were bent on forcing a war with Spain, these adventurers, in case of actual hostilities, might be made useful;¹ but this suggestion was accompanied by many warnings to Yrujo not to commit himself or to contribute money, and at last by a flat announcement that the King would not in any way encourage Burr's designs.²

¹ Cevallos to Casa Yrujo, March 28, 1806; MSS. Spanish Archives.

² Cevallos to Casa Yrujo, July 12, 1806; MSS. Spanish Archives.

The conspirators were in a worse position as regarded England. By a fatal stroke of ill-luck, Merry's despatch of Nov. 25, 1805, written to be read in secrecy by the Tory Lord Mulgrave, was received at the Foreign Office Feb. 2, 1806, ten days after Pitt's death, and was probably opened by Charles James Fox, — almost the last man in England to whom Merry would have willingly shown it. The only answer received by Merry reached Washington about June 1, 1806, and consisted in the dry announcement that his Majesty had been pleased to listen favorably to Mr. Merry's request for a recall, and had appointed the Hon. David Montague Erskine as his successor.

Merry complained piteously that he had never suggested a wish to be recalled, that he had indeed the strongest desire to remain, and felt himself greatly aggrieved at his treatment; but Fox was remorseless, and Merry could only prepare for Erskine's arrival. Smarting under this sudden reproof, Merry held his parting interview with Burr. Doubtless it was as little cheerful on one side as on the other; but Merry did not think himself required to give an immediate or a minute account of it to Fox. He waited until Erskine's arrival, and then, in one of his last despatches, Nov. 2, 1806, after Burr had begun his operations in the West, Merry wrote,¹ —

“I saw this gentleman [Burr] for the last time at this place [Washington] in the month of June last, when he

¹ Merry to C. J. Fox, June 1, 1806; MSS. British Archives.

made particular inquiry whether I had received any answer from my Government to the propositions he had requested me to transmit to them, and lamented exceedingly that I had not, because he, and the persons connected with him at New Orleans, would now, though very reluctantly, be under the necessity of addressing themselves to the French and Spanish governments. He added, however, that the disposition of the inhabitants of the Western country, and particularly Louisiana, to separate themselves from the American Union was so strong that the attempt might be made with every prospect of success without any foreign assistance whatever; and his last words to me were that, with or without such support, it certainly would be made very shortly."

After receiving this rebuff from England, Burr and Dayton needed singular impudence to threaten Yrujo with the terror of Charles James Fox; but impudence had become their only resource. Every step taken thenceforward by the conspirators was taken by means of a new imposture; until at last they became petty swindlers who lived from day to day by cheating each other. How flagrant their imposture was, has been partly shown in their attempt to deceive Yrujo; but their treatment of Wilkinson was far more dishonest.

Toward the end of July, 1806, Burr had accomplished all that could be done in the East, and prepared to begin his campaign to New Orleans. By strenuous efforts money had been raised to set the subordinate adventurers in motion. Among these were Erick Bollman, famous for an attempt to rescue

Lafayette from confinement at Olmütz; a French officer named De Pestre, or Dupiester; Samuel Swartwout, a younger brother of Robert; and finally young Peter V. Ogden, a nephew of Dayton. The time had come when each actor must take his place, and must receive orders as to the *rôle* he was to play.

Of all Burr's intimates, Wilkinson was not only the most important, but also the most doubtful. He had hung back and had made conditions. Since October, 1805, nothing had been heard from him, and his last letter had contained objections "deemed very silly." At last a letter, dated May 13, arrived. This letter never saw the light; afterward, at the trial, Wilkinson challenged its production, and accused Burr of falsehood in asserting that it had been destroyed at Wilkinson's request or with his knowledge. Only one conclusion might be taken as certain in regard to its contents,—they did not suit the situation of Dayton and Burr.

Dayton's reply was dated July 24, 1806, and was sent by his nephew, Peter V. Ogden, to Wilkinson.

"It is now well ascertained that you are to be displaced in next session," wrote Dayton, working on his old friend's pride and fears. "Jefferson will affect to yield reluctantly to the public sentiment, but yield he will. Prepare yourself, therefore, for it. You know the rest. You are not a man to despair, or even despond, especially when such prospects offer in another quarter. Are you ready? Are your numerous associates ready? Wealth and glory! Louisiana and Mexico!"

Together with this exhortation from Dayton, Burr sent a cipher despatch, afterward famous as the key to the whole conspiracy. Published at different times with varying versions, as suited Wilkinson's momentary objects, the correct reading probably ran very nearly as follows:—

“ July 29, 1806. Your letter, postmarked 13th May, is received. At length I have obtained funds, and have actually commenced. The Eastern detachments, from different points and under different pretences, will rendezvous on the Ohio 1st of November. Everything internal and external favors our views. Naval protection of England is secured. Truxton is going to Jamaica to arrange with the admiral on that station. It will meet us at the Mississippi. England, a navy of the United States, are ready to join, and final orders are given to my friends and followers. It will be a host of choice spirits. Wilkinson shall be second to Burr only; Wilkinson shall dictate the rank and promotion of his officers. Burr will proceed westward 1st August, never to return. With him goes his daughter; the husband will follow in October, with a corps of worthies. Send forthwith an intelligent and confidential friend with whom Burr may confer; he shall return immediately with further interesting details; this is essential to concert and harmony of movement. Send a list of all persons known to Wilkinson west of the mountains who could be useful, with a note delineating their characters. By your messenger send me four or five commissions of your officers, which you can borrow under any pretence you please; they shall be returned faithfully. Already are orders given to the contractor to forward six months' provisions to points

Wilkinson may name ; this shall not be used until the last moment, and then under proper injunctions. Our object, my dear friend, is brought to a point so long desired. Burr guarantees the result with his life and honor, with the lives and honor and the fortunes of hundreds, the best blood of our country. Burr's plan of operation is to move down rapidly from the Falls, on the 15th of November, with the first five hundred or a thousand men, in light boats now constructing for that purpose ; to be at Natchez between the 5th and 15th of December, there to meet you ; there to determine whether it will be expedient in the first instance to seize on or pass by Baton Rouge. On receipt of this, send Burr an answer. Draw on Burr for all expenses, etc. The people of the country to which we are going are prepared to receive us ; their agents, now with Burr, say that if we will protect their religion, and will not subject them to a foreign Power, that in three weeks all will be settled. The gods invite us to glory and fortune ; it remains to be seen whether we deserve the boon. The bearer of this goes express to you. He is a man of inviolable honor and perfect discretion, formed to execute rather than project, capable of relating facts with fidelity, and incapable of relating them otherwise ; he is thoroughly informed of the plans and intentions of Burr, and will disclose to you as far as you require, and no further. He has imbibed a reverence for your character, and may be embarrassed in your presence ; put him at ease, and he will satisfy you."

Had Burr and Dayton not felt strong reason to doubt Wilkinson's course, they would not have invented a tissue of falsehoods such as these letters

contained. So far as concerned Wilkinson's future conduct, no one could deny that this gross deception set him free from any ties that might have previously bound him to Dayton or Burr.

Furnished with these and other letters almost equally compromising, Ogden and Swartwout, at the end of July, started on their way. Swartwout was directed to see Adair in Kentucky, and to deliver to him despatches, the contents of which have never been made known, but were doubtless identical with the letters to Wilkinson. At the same time Erick Bollman started by sea with similar despatches for New Orleans.

Early in August Burr followed, taking with him his daughter Mrs. Allston, and his chief of staff Colonel De Pestre. After crossing the mountains he threw aside ordinary caution. At Canonsburg, about fifteen miles beyond Pittsburg, he stopped at the house of an old friend, Colonel Morgan, and there so freely asserted the imbecility of the Federal government and the certainty of a speedy separation of the Western States from the Eastern, that Morgan thought himself bound to give President Jefferson a warning.

The conversation at Canonsburg took place in the afternoon and evening of August 22. A few days afterward Burr arrived at Blennerhassett's island, where he found the owner waiting with enthusiasm to receive him. Of all the eager dupes with whom Burr had to deal, this intelligent and accomplished Irish gentleman was the most simple. After wasting

half his property on his island, he discovered that he had left himself not more than thirty or forty thousand dollars to live upon; and this small property was invested in funds which produced so little as to leave him always embarrassed. He wished ardently to make his fortune by some bold speculation; and Burr had no more pressing necessity than to obtain the funds which Blennerhassett burned to invest. Burr said to Blennerhassett in effect what he said to Wilkinson; but Blennerhassett was less able than Wilkinson to detect falsehood. The actual speculation which was to make Blennerhassett's fortune seemed certain of success. Burr had invented more than one way of getting money; and among his various expedients none was more ingenious than that of buying a certain Spanish claim, known as the Bastrop grant, covering an immense district on the Red River, and supposed to be owned in part by one Lynch in Kentucky. Burr had undertaken to buy Lynch's interest for forty thousand dollars, of which only four thousand or five thousand dollars need be paid in money; and he persuaded Blennerhassett that on the most moderate estimate, they could reap from it the profit of a million. Blennerhassett was assured that before the end of the year Louisiana would be independent, with Burr for its ruler, under the protection of England. Wilkinson and the United States army were pledged to accept the revolution and to support Burr. Tennessee was secured; and though Kentucky and Ohio were doubtful, they would

end by following Tennessee. The government at Washington would fall to pieces, and the new empire under a stronger government, would rise at once to power. Then Bastrop's grant would take character; its actual cheapness was due to doubts as to its validity: but the moment its validity was decided by the new government, all whose members would be interested in it, the value of the grant would become enormous; emigration would be directed to the spot, and Blennerhassett's fortune would be vast. He would, meanwhile, go at once as minister to England, with Erick Bollman for secretary of legation.¹

In an incredibly short time Blennerhassett's head was turned. Unluckily for him, his wife's head was turned even more easily than his own; and the charms of Theodosia Allston, who became a guest at the island, dazzled the eyes of both. Before Burr had been two days in the house, Blennerhassett was so enthusiastic a supporter of the scheme that he set himself to work, under Burr's eye, to publish a series of essays in order to show the State of Ohio that disunion was an infallible cure for all its natural or acquired ills. The first of these essays was quickly finished, taken to Marietta, and printed in the "Ohio Gazette" of September 4 under the signature "Querist."

September 2, before the "Querist" appeared, Burr continued his journey down the river to Cincinnati, where he arrived September 4, and remained a few

¹ Blennerhassett Papers, p. 351.

days with Senator Smith, talking freely about the impotence of the government, the rights and wrongs of the Western people, and their inducements to set up a separate empire. September 10 he crossed the river to Lexington in Kentucky, and shortly afterward went to Nashville in Tennessee.

Owing chiefly to the friendship of Andrew Jackson, the town of Nashville was strongly attached to Burr, and was supposed to favor the disunion scheme. Tennessee was the only State which Burr always claimed positively as his own. Whether he had better grounds for his confidence in Jackson than for his faith in Wilkinson and Daniel Clark might be doubted; but Tennessee was at least vehement in hatred of the Spaniards. The Spaniards were pressing close against Wilkinson's little force at Natchitoches, and Burr made use of the threatened war in order to cover his own scheme. September 27 a public dinner was given to him at Nashville, and Jackson offered as a toast the old sentiment of 1798: "Millions for defence; not a cent for tribute." A few days later Burr returned to Kentucky; and within a week suddenly appeared in the newspaper at Nashville a strange proclamation signed "Andrew Jackson, Major-General Second Division," and dated Oct. 4, 1806, in which the brigade commanders were ordered to place their brigades at once on such a footing as would enable them on the shortest notice to supply their quotas "when the government and constituted authorities of our country" should require them to march. This

unauthorized step was commonly supposed to be taken in the interest of Burr's conspiracy, and compromised Jackson gravely in the eyes of the Government at Washington.

Meanwhile Theodosia Allston and her husband had been left in charge of the Blennerhassetts, while Blennerhassett himself behaved as though he were a village school-boy playing the part of chieftain in an imaginary feudal castle. He went about the country raising recruits and buying supplies, chattering to every young and active man he met about the expedition which was to make their fortunes. He confided in his gardener, a simple, straightforward fellow named Peter Taylor, "that Colonel Burr would be king of Mexico, and that Mrs. Allston would be queen of Mexico whenever Colonel Burr died." He added that Burr "had a great many friends in the Spanish territory; two thousand Roman Catholic priests were enlisted in his corps; that those priests and the societies which belonged to them were a strong party; that the Spaniards, like the French, had got tired of their government and wanted to swap it; that the British were also friends to this expedition; and that he was the very man who was to go to England on this piece of business for Colonel Burr." When at the subsequent trial Taylor told this tale, the world was incredulous, and insisted upon disbelieving his story; but Blennerhassett's papers proved the extent of his delusion. By common consent the Blennerhassetts and Allstons agreed that Theodosia was to inherit the

empire from her father; but doubts existed whether Allston could take the crown as Theodosia's husband. "I will win it by a better title," he cried, — "by my deeds in council and in field!"¹ Mrs. Blennerhassett was impatient to exchange her solitary island for the court of her young empress; and Blennerhassett longed to set sail as minister for England with Erick Bollman for secretary of legation. Under the influence of this intoxication, Blennerhassett offered to advance money to the extent of all his property for Burr's use if Allston would give him a written and sealed guaranty to a certain amount; which Allston did.²

Leaving his wife at the island, while fifteen boats were building at Marietta and kilns for baking bread were constructed on the island itself, Blennerhassett went with the Allstons down the river to Lexington, and there rejoined Burr on his return from Nashville, about October 1. No time had been lost. The boats building at Marietta would carry about five hundred men; others to be built elsewhere would carry five hundred more. Recruiting went rapidly forward. Finally, the purchase-money for Lynch's interest in Bastrop's grant, about four or five thousand dollars, was paid; and Blennerhassett congratulated himself on owning a share in four hundred thousand acres of land in the heart of Louisiana.

¹ Blennerhassett Papers, p. 333; Blennerhassett to Allston, March 2, 1811.

² Blennerhassett Papers, pp. 397, 535.

To communicate with his friends in New York and Philadelphia, Burr sent De Pestre October 25, with directions to report the movements of the Western conspirators to the Marquis of Casa Yrujo, as well as to Swartwout and Dayton. Burr gave De Pestre to understand that one object of his mission was to blind the Spanish minister in regard to the schemes against Mexico and Florida; in reality De Pestre's mission was probably for the purpose of raising money. Yrujo was already well informed from other sources. November 10, before De Pestre's arrival, the Marquis wrote to his Government that some five hundred men were collecting on the upper Ohio to move down the river in squads:¹ —

“Colonel Burr will go down with them under pretext of establishing them on a great land-purchase he is supposed to have made. In passing Cincinnati they expect to get possession of five thousand stand of arms which the government deposited there at the time of its differences with us about the navigation of the Mississippi. After thus dropping the mask, this armed troop will follow down the course of the Mississippi. Colonel Burr will stop at Natchez, where he will wait until the Assembly of New Orleans has met, which will happen at once; and in this meeting (*junta*) they will declare the independence of the Western States, and will invite Burr meanwhile to place himself at the head of their government. He will accept the offer, will descend to New Orleans, and will set to work, clothed in a character which the people will have given him. I understand

¹ Yrujo to Cevallos, Nov. 10. 1806; MSS. Spanish Archives.

that Colonel Burr has already written the declaration of independence, and that it is couched in the same terms that the States adopted in theirs against Great Britain. This circumstance is the more notable inasmuch as the actual President was the person who drew it up in 1776. When Burr made the project of acting in agreement with England and seizing the Floridas, he expected to master them with troops that should accompany him from Baton Rouge. Although I am assured that this project is abandoned, and that on the contrary he wishes to live on good terms with Spain, I have written to Governor Folch of West Florida to be on his guard; and although I am persuaded that by means of Governor Folch's connection with General Wilkinson, he must be perfectly informed of the state of things and of Burr's intentions, I shall write to-day or to-morrow another letter to the Governor of Baton Rouge to be on the alert."

Yrujo believed that Wilkinson, the General in command of the American army, then supposed to be on the point of attacking the Spanish force in his front, was secretly and regularly communicating with the Spanish Governor of West Florida.

Burr was engaged in deceiving every one; but his attempt to deceive Yrujo, if seriously meant, was the least comprehensible of all his manœuvres. December 4 the Spanish minister wrote to his Government another despatch which betrayed his perplexity at Burr's conduct:—

"I am positively assured," he said, "that from one day to another will embark from New York for New Orleans, to join Colonel Burr in Louisiana, three of his

intimate friends, depositaries of his whole confidence; namely, Mr. Swartwout, lately marshal of the district of New York, a certain Dr. Erwin, and the famous Colonel Smith, the same who was implicated in the business of Miranda, and whose son went out as an aide-de-camp of that adventurer. Accordingly I wrote to the governors of both Floridas and to the Viceroy of Mexico, giving them a general idea of this affair, and recommending them to watch the movements of Colonel Burr and of his adventurers. This is an excess of precaution, since by this time they must not only know through the New Orleans and Natchez newspapers of the projects attributed to Colonel Burr, but also through the confidential channel of the No. 13 of the Marquis of Casa Calvo's cipher with the Prince of Peace, who is one of the conspirators, and who is to contribute very efficaciously to the execution of the scheme in case it shall be carried into effect."

The person designated as No. 13 in the cipher used between Casa Calvo and Godoy was the general-in-chief of the American forces, Wilkinson. The Marquis's despatch next mentioned the arrival of De Pestre, who appeared about November 27 at Yrujo's house: —

"About a week ago a former French officer came to see me, one of Burr's partisans, who came from Kentucky in search of various articles for the execution of his undertaking. . . . This officer handed me a letter from Colonel Burr, in which, after recommending him to me, the writer said simply that as this person had lately visited those States, he could give me information about them worthy

of my curiosity. The date of this letter was Lexington, October 25."

De Pestre gave to Yrujo the assurance that all was going well with the undertaking; but the special message he was charged to deliver seemed to be the following: —

"He also told me, on the part of the Colonel, that I should soon hear that he meant to attack Mexico, but that I was not to believe such rumors; that on the contrary his plans were limited to the emancipation of the Western States, and that it was necessary to circulate this rumor in order to hide the true design of his armaments and of the assemblages of men which could no longer be kept secret; that Upper and Lower Louisiana, the States of Tennessee and Ohio, stood ready and ripe for his plans, but that the State of Kentucky was much divided; and as this is the most important in numbers and population, an armed force must be procured strong enough to control the party there which should be disposed to offer resistance. He added, on Burr's part, that as soon as the revolution should be complete, he should treat with Spain in regard to boundaries, and would conclude this affair to the entire satisfaction of Spain; meanwhile he wished me to write to the Governor of West Florida to diminish the burdens on Americans who navigate the Mobile River, and ask him, when the explosion should take place, to stop the courier or couriers who might be despatched by the friends of Government from New Orleans."

Burr's message caused Yrujo to warn all the Spanish officials in Florida, Texas, and Mexico that "although

No. 13 seems to have acted in good faith hitherto, his fidelity could not be depended upon if he had a greater interest in violating it, and that therefore they must be cautious in listening to him and be very vigilant in regard to events that would probably happen in their neighborhood." De Pestre's mission made Yrujo more suspicious than ever, and he spared no precaution to render impossible the success of any attack on Florida or Mexico.

After De Pestre had visited New York, he returned to Philadelphia, and December 13 again called upon Yrujo.

"He told me," reported Yrujo,¹ "that he had seen Mr. Swartwout in New York, whom he had informed of Burr's wish that he, as well as Dr. Erwin, Colonel Smith, and Captain Lewis, who was captain of the merchant ship 'Emperor' and brother of the captain of Miranda's vessel the 'Leander,' should set out as soon as possible for New Orleans. Likewise he instructed him, on the part of the colonel, that the youths enlisted to serve as officers should set out as soon as possible for their posts. These, my informant told me, are different. Some two or three of them, the quickest and keenest, go to Washington to observe the movements of Government, to keep their friends in good disposition, and to despatch expresses with news of any important disposition or occurrence. Three go to Norfolk to make some despatch of provisions. A good number of them will go direct to Charleston to take command as officers, and see to the embarkation of the numerous

¹ Yrujo to Cevallos, Dec. 16, 1806; MSS. Spanish Archives.

recruits whom Colonel Burr's son-in-law has raised in South Carolina. He himself will then have returned there from Kentucky, and will embark with them for New Orleans. The rest will embark directly for that city from New York."

Yrujo could not see the feebleness of the conspiracy. So far as he knew, the story might be true; and although he had been both forewarned and forearmed, he could not but feel uneasy lest Burr should make a sudden attack on West Florida or Texas. The Spanish minister was able to protect Spanish interests if they were attacked; but he would have preferred to prevent an attack, and this could be done by the United States government alone. The indifference of President Jefferson to Burr's movements astounded many persons besides Yrujo. "It is astonishing," wrote Merry in November,¹ "that the Government here should have remained so long in ignorance of the intended design as even not to know with certainty at this moment the object of the preparations which they have learned are now making." Merry would have been still more astonished had he been told that the President was by no means ignorant of Burr's object; and Yrujo might well be perplexed to see that ignorant or not, the President had taken no measure for the defence of New Orleans, and that the time had passed when any measure could be taken. The city was in Wilkinson's hands. Even of the five small gunboats which were meant to be stationed at

¹ Merry to C. J. Fox, Nov. 2, 1806; MSS. British Archives.

the mouth of the Mississippi, only one was actually there. That Burr and Wilkinson should meet resistance at New Orleans was not to be imagined. Yrujo saw no chance of checking them except in Ohio and Kentucky.

CHAPTER XII.

HAD Burr succeeded in carrying out his original plan of passing the Falls of the Ohio as early as November 15, he might have reached New Orleans with all his force; but he made too many delays, and tried too far the patience of Ohio. October 1 he returned from Nashville to Lexington, where he was joined by Blennerhassett and Allston. From that moment he was beset by difficulties and growing opposition.

As yet the Government at Washington had not moved, and Burr freely said that his military preparations were made with its knowledge and for the probable event of war with Spain; but he had not foreseen that these tactics might rouse against him the class of men from whom he had least reason to expect opposition. In Kentucky a respectable body of old Federalists still existed, with Humphrey Marshall at their head. The United States District Attorney, Joseph H. Daveiss, was also a Federalist, left in office by Jefferson. Burr's admirers were Republicans, so numerous that the President shrank from alienating them by denouncing Burr, while they in their turn would not desert Burr until the

President denounced him. The Federalists saw here a chance to injure their opponents, and used it.

As early as the year 1787 Governor Mirò, the Spanish ruler of Louisiana, tried to organize a party in Kentucky for establishing an independent empire west of the Alleghanies under the protection of Spain. His chief agent for that purpose was James Wilkinson.¹ The movement received no popular support, and failed; but during the next ten years the Spanish governors who succeeded Mirò maintained relations with Wilkinson and his friends, always hoping that some change in American politics would bring their project into favor. Godoy's policy of conciliation with America crossed these intrigues. His treaty of 1795 did much to neutralize them, but his delivery of Natchez in 1798 did more. The settlement of boundary came at a moment when Kentucky, under the lead of Jefferson and Breckenridge, seemed about to defy the United States government, and when the celebrated Kentucky Resolutions promised to draw the Western people into the arms of Spain. Talleyrand's indignation at Godoy's conduct² was not more acute than the disgust felt by the Spanish officials at New Orleans.

The Spanish intrigues among the Republicans of Kentucky were not wholly unknown to the Federalists in that State; and as time went on, Humphrey Marshall and Daveiss obtained evidence warranting

¹ Gayarré's *Louisiana ; Spanish Domination*, pp. 192-199.

² See *History of First Administration*, p. 240.

an assault on the Republicans most deeply implicated.¹ The attempt was a matter of life and death to the Spanish pensioners; and in a society so clannish as that of Kentucky, violence was not only to be feared, but to be counted upon. Daveiss took the risks of personal revenge, and laid his plans accordingly.

Burr's appearance on the Ohio and at St. Louis in Wilkinson's company during the summer of 1805 called attention to the old Spanish conspiracy, and gave Daveiss the opportunity he wanted. As early as Jan. 10, 1806, while Burr was still struggling at Washington to save his plot from collapse for want of foreign aid, and while John Randolph was beginning his invectives in Congress, the district-attorney wrote to the President a private letter denouncing the old Spanish plot, and declaring that it was still alive.² "A separation of the Union in favor of Spain is the object *finally*. I know not what are the means." Assuming that Jefferson was ignorant of the facts, because he had "appointed General Wilkinson as Governor of St. Louis, who, I am convinced, has been for years, and now is, a pensioner of Spain," Daveiss asserted his own knowledge, and contented himself with a general warning;—

¹ Marshall's History of Kentucky, ii. 376-384.

² Daveiss to Jefferson, Jan. 10, 1806; View of the President's Conduct, by J. H. Daveiss, 1807. Clark's Proofs, pp. 177-179.

“This plot is laid wider than you imagine. Mention the subject to no man from the Western country, however high in office he may be. Some of them are deeply tainted with this treason. I hate duplicity of expression; but on this subject I am not authorized to be explicit, nor is it necessary. You will despatch some fit person into the Orleans country to inquire.”

February 10 Daveiss wrote again calling attention to Burr's movements during the previous summer, and charging both him and Wilkinson with conspiracy.¹ At about the time when these letters arrived, the President received another warning from Eaton. The air was full of denunciations, waiting only for the President's leave to annihilate the conspirators under popular contempt. A word quietly written by Jefferson to one or two persons in the Western country would have stopped Burr short in his path, and would have brought Wilkinson abjectly on his knees. A slight change in the military and naval arrangements at New Orleans would have terrified the creoles into good behavior, and would have made Daniel Clark denounce the conspiracy.

The President showed Daveiss's letter to Galatin, Madison, and Dearborn; but he did not take its advice, and did not, in his Cabinet memoranda of October 22,² mention it among his many sources of information. February 15 he wrote to

¹ Daveiss to Jefferson, Feb. 10, 1806; View, etc. Cf. Marshall's History of Kentucky, ii. 401.

² See p. 278.

Daveiss¹ a request to communicate all he knew on the subject. No other acts followed, nor was either Wilkinson or Burr put under surveillance.

Perhaps this was what Daveiss wished; for if Jefferson pursued his course much further, he was certain to compromise himself in appearing to protect Burr and Wilkinson. Daveiss not only continued to write letter after letter denouncing Wilkinson to the President, without receiving answer or acknowledgment; he not only made a journey to St. Louis in order to collect evidence, and on his return to Kentucky wrote in July to the President that Burr's object was "to cause a revolt of the Spanish provinces, and a severance of all the Western States and Territories from the Union, to coalesce and form one government," — but he also took a new step, of which he did not think himself obliged to inform the President in advance. He established at Frankfort a weekly newspaper, edited by a man so poor in character and means that for some slight gain in notoriety he could afford to risk a worthless life. John Wood was a newspaper hack, not quite so successful as Cheetham and Duane, or so vile as Callender. Having in 1801 written a "History of the last Administration," after getting from Colonel Burr, by working upon his vanity, an offer to buy and suppress the book, it was probably Wood who furnished Cheetham with the details of the transaction, and connived at Cheetham's

¹ Jefferson to Daveiss, Feb. 15, 1806; View, etc. Clark's Proofs, p. 179.

ham's "Narrative of the Suppression," in order to give notoriety to himself. Cheetham's "Narrative" called for a reply, and Wood in 1802 printed a "Correct Statement." Both pamphlets were contemptible; but Cheetham was supported by the Clintons, while Wood could find no one to pay for his literary wares. He drifted to Richmond, and thence across the mountains; until, in the winter of 1805-1806, he dropped quietly, unnoticed, into the village of Frankfort, in Kentucky. Humphrey Marshall and District Attorney Daveiss needed such a man.

July 4, 1806, appeared at Frankfort the first number of the "Western World," — a weekly newspaper edited by John Wood. The society of Kentucky was alarmed and irritated to find that the "Western World" seemed to have no other object for its existence than to drag the old Spanish conspiracy to light. Passions were soon deeply stirred by the persistency and vehemence with which this pretended Republican newspaper clung to the subject and cried for an investigation. Wood had no fancy for being made the object of assassination, but he was given a fighting colleague named Street; and while Wood hid himself, Street defended the office. In spite of several attempts to drive Street away or to kill him, the "Western World" persevered in its work, until October 15 it published an appeal to the people, founded on Blennerhassett's "Querist" and on the existence of a Spanish Association. Meanwhile two men in high position dreaded exposure, — Judge

Sebastian, of the Court of Appeals of Kentucky, and Judge Innis, of the United States District Court.

Daveiss was right in thinking the Spanish conspiracy of 1787-1798 closely allied with Burr's conspiracy of 1805. In striking at Sebastian and Innis, he threw consternation into the ranks of Burr's friends, all of whom were more or less familiar with the Spanish intrigue. Senator Adair, bolder than the rest, stood by Wilkinson and defied exposure; but the greater number of Wilkinson's accomplices were paralyzed. Daveiss gave them no respite. In October Burr's appearance in Kentucky offered a chance to press his advantage. Jefferson's persistent silence and inaction left the energetic district-attorney free to do what he liked; and nothing short of compromising the Administration satisfied his ambition.

Burr passed the month of October in Kentucky; but his preparations were far from complete. The delay was probably due to the time consumed in getting Blennerhassett's money. At last Burr paid to Lynch the purchase-money of four or five thousand dollars for Bastrop's grant. He had already ordered the construction of boats and enlistment of men at various points on the Ohio, and especially at Marietta, near Blennerhassett's island; but he waited too long before beginning operations on the Cumberland, for not till November 3 did Andrew Jackson at Nashville receive a letter from Burr, inclosing three thousand dollars in Kentucky bank-notes, with orders for the building of five large boats, the purchase of supplies,

and the enlistment of recruits, — all of which was promptly undertaken by Jackson, but required more time than could be spared by Burr.

Meanwhile Burr's affairs were going ill in the State of Ohio. Blennerhassett's foolish "Querist," and the more foolish conversation of both Blennerhassett and Burr, combined with the assaults of the "Western World," drew so much attention to the armaments at the island that Mrs. Blennerhassett, left alone while her husband was with Allston and Burr in Kentucky, became alarmed, and thought it necessary to send them a warning. October 20 she wrote to Burr that he could not return with safety. Thinking the note too important to be trusted to the post, and ignorant of Burr's address, she sent her gardener, Peter Taylor, on horseback, through Chillicothe, to Cincinnati, with orders to ask Senator Smith for the address. Taylor reached Cincinnati October 23, after three days of travel, and went, according to his mistress's orders, directly to Senator Smith's house, which was in the same building with his store, — for Smith was a storekeeper and army contractor. The senator was already too deeply compromised with Burr, and his courage had begun to fail. At first he denied knowledge of Burr or Blennerhassett. In Taylor's words, "He allowed he knew nothing of either of them; that I must be mistaken; this was not the place. I said, 'No; this was the right place, — Mr. John Smith, storekeeper, Cincinnati.'" In the end, Smith took him upstairs, and gave him, with every injunc-

tion of secrecy, a letter to be delivered to Burr at Lexington. Taylor reached Lexington October 25, found Burr, delivered his letters, and candidly added: "If you come up our way the people will shoot you." The following Monday, October 27, the gardener started on his return, taking Blennerhassett with him, and leaving Burr at Lexington to face the storms that threatened from many quarters at once.

The impossibility of returning to the island was but one warning; another came from Senator Smith, who dreaded exposure. The letter he sent by Peter Taylor, dated October 23, affected ignorance of Burr's schemes, and demanded an explanation of them. October 26 Burr sent the required disavowal:—

"I was greatly surprised and really hurt," said Burr,¹ "by the unusual tenor of your letter of the 23d, and I hasten to reply to it, as well for your satisfaction as my own. If there exists any design to separate the Western from the Eastern States, I am totally ignorant of it. I never harbored or expressed any such intention to any one, nor did any person ever intimate such design to me."

From that moment to the last day of his life Burr persisted in this assertion, coupling it always in his own mind with a peculiar reservation. What he so solemnly denied was the intention to separate the Western States "by force" from the Eastern; what he never denied was the plan of establishing a Western empire by consent.

¹ Burr to John Smith, Oct. 26, 1806; Senate Report, p. 33.

Of disunion Burr never again dared to speak. On that subject he was conscious of having already said so much as to make his stay in Kentucky a matter of some risk. The leading Republicans would have rejoiced at his departure; but to desert him was more than their tempers would allow. Daveiss saw another opportunity to compromise his enemies, and used it. A week after Blennerhassett and Peter Taylor left Lexington, carrying with them Burr's letter in reply to Senator Smith, on the same day when Andrew Jackson at Nashville received Burr's order, with Kentucky bank-notes for the sum of three thousand dollars, the United States District Court opened its session at Frankfort. Within eight and forty hours, November 5, District-Attorney Daveiss rose in court and made complaint against Burr for violating the laws of the United States by setting on foot a military expedition against Mexico. Besides an affidavit to this effect, the district-attorney asserted in court that Burr's scheme extended to a revolution of all the Western States and Territories.

In the nervous condition of Kentucky society, this attack on Burr roused great attention and hot criticism. The judge who presided over the court was the same Harry Innis who had been privy to the Spanish conspiracy, and was harassed by the charges of the "Western World." Daveiss could count with certainty upon the course which a man so placed would follow. The judge took three days to reflect, and then denied the motion; but Burr could not afford to

rest silent. November 8, when Judge Innis overruled the motion and denied the process, Burr appeared in court and challenged inquiry. The following Wednesday, November 12, was fixed for the investigation. A grand-jury was summoned. Burr appeared, surrounded by friends, with Henry Clay for counsel, and with strong popular sympathy in his favor. Daveiss too appeared, with a list of witnesses summoned; but the chief witness was absent in Indiana, and Daveiss asked a postponement. The jury was discharged; and after a dignified and grave harangue from the accused, Burr left the court in triumph.¹ On the strength of this acquittal he ventured again to appear in Cincinnati, November 23, in confidential relations with Senator Smith; but the term of his long impunity was soon to end.

October 22, while Burr was at Lexington, President Jefferson held a Cabinet council at Washington. The Spaniards were then threatening an attack upon Louisiana, while Wilkinson's force in the Mississippi and Orleans Territories amounted only to ten hundred and eighty-one men, with two gunboats. Memoranda, written at the time by Jefferson, detailed the situation as it was understood by the Government:²—

“During the last session of Congress, Colonel Burr who was here, finding no hope of being employed in any department of the government, opened himself confiden-

¹ Marshall's History of Kentucky, ii. 396.

² Cabinet Memoranda; Writings (Ford), i. 318.

tially to some persons on whom he thought he could rely, on a scheme of separating the Western from the Atlantic States, and erecting the former into an independent confederacy. He had before made a tour of those States, which had excited suspicions, as every motion does of such a Catilinarian character. Of his having made this proposition here we have information from General Eaton through Mr. Ely and Mr. Granger. He went off this spring to the Western country. Of his movements on his way, information has come to the Secretary of State and myself from John Nicholson and Mr. Williams of the State of New York, respecting a Mr. Tyler; Colonel Morgan, Nevill, and Roberts, near Pittsburg; and to other citizens through other channels and the newspapers. We are of opinion unanimously that confidential letters be written to the Governors of Ohio, Indiana, Mississippi, and New Orleans; to the district-attorney of Kentucky, of Tennessee, of Louisiana, to have him strictly watched, and on his committing any overt act, to have him arrested and tried for treason, misdemeanor, or whatever other offence the act may amount to; and in like manner to arrest and try any of his followers committing acts against the laws. We think it proper also to order some of the gunboats up to Fort Adams to stop by force any passage of suspicious persons going down in force. General Wilkinson being expressly declared by Burr to Eaton to be engaged with him in this design as his lieutenant, or first in command, and suspicions of infidelity in Wilkinson being now become very general, a question is proposed what is proper to be done as to him on this account, as well as for his disobedience of orders received by him June 11 at St. Louis to descend with

all practical despatch to New Orleans to mark out the site of certain defensive works there, and then repair to take command at Natchitoches, on which business he did not leave St. Louis till September. Consideration adjourned.

“October 24. It is agreed unanimously to call for Captain Preble and Decatur to repair to New Orleans, by land or by sea as they please, there to take command of the force on the water, and that the ‘Argus’ and two gunboats from New York, three from Norfolk, and two from Charleston shall be ordered there, if on a consultation between Mr. Gallatin and Mr. Smith the appropriations shall be found to enable us; that Preble shall, on consultation with Governor Claiborne, have great discretionary powers; that Graham shall be sent through Kentucky on Burr’s trail, with discretionary powers to consult confidentially with the Governors to arrest Burr if he has made himself liable. He is to have a commission of Governor of [Upper] Louisiana, and Dr. Browne is to be removed. Letters are to be written by post to Governor Claiborne, the Governor of Mississippi, and Colonel Freeman to be on their guard against any surprise of our posts or vessels by him. The question as to General Wilkinson postponed till Preble’s departure, for future information.”

Although these measures provided no protection against the chance of Wilkinson’s misconduct, they could not fail to put an instant stop to Burr’s activity. All that remained was to carry them out. Unfortunately Gallatin found that his hands and those of Robert Smith were tied by Acts of Congress. The next day the Cabinet met again.

“October 25. A mail arrived yesterday from the westward, and not one word is heard from that quarter of any movements by Colonel Burr. This total silence of the officers of the government, of the members of Congress, of the newspapers, proves he is committing no overt act against law. We therefore rescind the determination to send Preble, Decatur, the ‘Argus,’ or the gunboats, and instead of them to send off the marines which are here to reinforce, or take place of, the garrison at New Orleans, with a view to Spanish operations; and instead of writing to the Governors, etc., we send Graham on that route, with confidential authority to inquire into Burr’s movements, put the Governors, etc., on their guard, to provide for his arrest if necessary, and to take on himself the government of [Upper] Louisiana. Letters are still to be written to Claiborne, Freeman, and the Governor of Mississippi to be on their guard.”

The result of this Cabinet discussion, extending from October 22 to October 25, was merely an order to John Graham, Secretary of the Orleans Territory, to stop in Ohio and Kentucky on his way westward and inquire into Burr’s movements.

Graham, following orders received from Madison, reached Marietta about the middle of November, when Burr should have already begun his movement, according to the original plan. Blennerhassett, who had been told by Burr that Graham was concerned in the plot, welcomed him with great cordiality, and talked much more freely than wisely. The information which crowded on Graham at Marietta led

him to go at the end of November to Chillicothe, where the Legislature was in session, and where he caused a law to be passed, December 2, empowering the governor to use the militia against the conspirators. Had this measure, or one equally energetic, been taken by the President three months earlier, it would have put an end to Burr's projects before they were under way, would have saved many deluded men from ruin, and would have prevented much trouble at New Orleans; but Graham's progress was not quite so rapid, even though late, as it should have been.

Burr had ample warning. November 25 District-Attorney Daveiss renewed his motion in court at Frankfort, and the court appointed December 2 as the day for hearing evidence. Henry Clay became uneasy, and exacted from Burr a written denial of the projects imputed to him. Fortified with this evidence to his own credulity, Clay again went into court with Burr, "for whose honor and innocence," he said, "he could pledge his own," and assailed the district-attorney. A second time the scene of outraged virtue was acted. Once more the witnesses vanished. Senator Smith saddled his horse and fled; Adair would not appear; and the judge lent his weight to the criminal. To crown all, December 5 the grand-jury of twenty-two persons signed a paper declaring that they could discover nothing improper or injurious to the interests of the United States government in the conduct of Burr and Adair. Burr was discharged,

with enthusiastic applause, without a stain on his character; and to prove its devotion, the society of Frankfort gave a ball in his honor.¹

Nov. 25, 1806, was a date to be remembered in the story of Burr's adventures. On that day Daveiss made his second motion in court at Frankfort, while at Washington the Government at length woke to action. An officer, bringing despatches from General Wilkinson at Natchitoches, presented himself at the White House with news so startling that Jefferson immediately called his Cabinet together. Another memorandum in the President's handwriting recorded the action taken:—

“November 25. Present at first the four heads of department; but after a while General Dearborn withdrew, unwell. Despatches from General Wilkinson to myself of October 21, by a confidential officer (Lieutenant Smith), show that overtures have been made to him which decide that the present object of the combination is an expedition by sea against Vera Cruz; and by comparing the contents of a letter from Cowles Meade to the Secretary of State, with the information from Lieutenant Smith that a Mr. Swartwout from New York, brother of the late marshal, had been at General Wilkinson's camp, we are satisfied that Swartwout has been the agent through whom overtures have been made to Wilkinson. We came to the following determinations, — that a proclamation be issued (see it), and that orders go as follows: To Pittsburg, if we have a military officer there; . . . Marietta, Mr. Gallatin is to write to the col-

¹ National Intelligencer, Jan. 12, 1807.

lector; . . . General Dearborn to write to Governor Tiffin, . . . and to write to General Jackson, supposed to be the general of the brigade on the Virginia side of the river; . . . Louisville, General Dearborn to write to the Governor of Kentucky; . . . Massac, General Dearborn to give orders to Captain Bissell of the same tenor, and particularly to stop armed vessels suspected on good grounds to be proceeding on this enterprise, and for this purpose to have in readiness any boats he can procure fitted for enabling him to arrest their passage; Chickasaw Bluffs, give same orders as to Bissell; New Orleans, General Wilkinson to direct the station of the armed vessels; and if the arrangements with the Spaniards will permit him to withdraw, let him dispose of his force as he thinks best to prevent any such expedition or any attempt on New Orleans, or any of the posts or military stores of the United States. (He is also to arrest persons coming to his camp and proposing a concurrence in any such enterprise, and suspected of being in camp with a view to propagate such propositions. This addition is made by General Dearborn with my approbation.) ”

The orders to Wilkinson were instantly sent. “You will use every exertion in your power,” Dearborn said,¹ “to frustrate and effectually prevent any enterprise which has for its object, directly or indirectly, any hostile act on any part of the territories of the United States, or on any of the territories of the King of Spain.” Persons found in or about the military camps or posts, with evident intention of

¹ Dearborn to Wilkinson, Nov. 27, 1806; Report of Committee, Feb. 26, 1811; 3 Sess. 11 Cong. p. 408.

sounding officers or soldiers, were to be arrested, and if not amenable to martial law, were to be delivered over to the civil authorities.

The orders were remarkable chiefly for the power they trusted in the hands of Wilkinson, and the confidence they showed in his good faith. Yet nothing could on its face be more suspicious than his report. The idea that Burr's expedition could be directed against Vera Cruz was unreasonable, and contrary to the tenor of the President's information from all other sources.¹ A moment's thought should have satisfied the President that Wilkinson was deceiving him, and that the city of New Orleans must be the real point of danger. In truth, Wilkinson's letters suppressed more than they told, and were more alarming than the warnings of Eaton or of Davciss; for they proved that Wilkinson was playing a double part. No measure that promised safety could be taken which would not require an instant removal of Wilkinson and a vigorous support of Claiborne at New Orleans.

Nov. 27, 1806, the same day with Dearborn's letter, the proclamation was issued.² Without mentioning Burr's name, it announced that sundry persons were conspiring against Spain, contrary to the laws; it warned all persons whatsoever to withdraw from such conspiracy; and it directed all offi-

¹ See Cabinet Memoranda of October 22, p. 278.

² Proclamation of Nov. 27, 1806; Wilkinson's Memoirs, ii. Appendix, xcvi.

cers, civil and military, of the United States to seize and detain all persons and property concerned in the enterprise.

The last chance of stopping the conspirators before they could enter the Mississippi was at Fort Massac. Beyond that point they could not easily be molested until they should reach a country more friendly than Ohio or Kentucky to their purposes; but the President had reason to suppose that his proclamation came in ample time to stop the conspirators while they were still on the Ohio River.

The Governor of Ohio, without waiting for the proclamation, acted promptly. On Graham's request, the necessary law was passed, and measures were taken to seize Burr's boats at Marietta. The boats and supplies were brought by Burr's men to Blennerhassett's island; but finding that militia were about to take possession of the island itself, the conspirators, with Blennerhassett in their company, at midnight of December 10-11, fled down the river, — a half-dozen ill-fitted boats, with thirty or forty men, — and passed the Falls of the Ohio at about the time when Burr and Adair entered Nashville.

Graham, leaving Ohio, reached Kentucky December 22, and induced the Governor and Legislature, December 24, to follow the example of Ohio; but he lost much time between Chillicothe and Frankfort, so that even after driving Burr from Ohio to Kentucky, and from Kentucky to Tennessee, the quickest

pursuit could not prevent the conspirators from taking their path down the Cumberland. Graham in Ohio heard nothing of Burr's doings in Tennessee, although since November 3 Jackson's close friend Patton Anderson was scouring the country round Nashville for recruits, and had raised a company of seventy-five men. As Burr went farther South, the secrecy of his intimates became more closely guarded, and their movements more obscure.

Burr and Adair reached Nashville December 14, and went directly to the river, where their boats were building. By that time Burr was well trained in the comedy he had within the last month so often played. Senator Smith of Ohio began it October 23, by writing the request that Burr's design should be "candidly disclosed," because Smith had fears that it might interrupt the tranquillity of the country. A month later Henry Clay made the same request. No sooner did Burr reach Clover Bottom, where his boats were building under Andrew Jackson's charge, than he found himself required to repeat the familiar formula. Jackson, in company with General Overton as his witness, soon appeared at Clover Bottom, and intimated as plainly as had been done by John Smith and Henry Clay that his own credit required a disavowal of designs against the Union. Burr, with his usual dignified courtesy, instantly complied; and his denials were accepted as satisfactory by Jackson.

On Jackson's part this conduct was peculiarly sur-

prising, because more than a month before he had written to Governor Claiborne¹ at New Orleans a secret denunciation of Burr and Wilkinson, couched in language which showed such intimate knowledge of Burr's plans as could have come only from Burr himself or Adair. In accepting Burr's disavowals, December 14, Jackson did not mention to Burr his denunciatory letter written to Claiborne, November 12, in which he had said, "I fear treachery has become the order of the day." Like Senator Smith, he was satisfied to secure his own safety; and upon Burr's denial of treasonable schemes, Jackson, although he did not write to Claiborne to withdraw the secret charges, went on building boats, providing supplies, and enlisting men for Colonel Burr's expedition. His motives for this conduct remained his own secret. Many of the best-informed persons in Tennessee and Kentucky, including Burr's avowed partisans, held but a low opinion of Jackson's character or veracity. Eight years afterward Jackson and John Adair once more appeared on the stage of New Orleans history, and quarrelled, with charges and countercharges of falsehood and insinuations of treason.

"Whatever were the intentions of Colonel Burr," wrote Adair in a published letter,² "I neither organized troops at that time, nor did I superintend the building of

¹ Jackson to Claiborne, Nov. 12, 1806; Burr's Trial. *Annals of Congress*, 1807-1808, p. 571.

² Letters of General Adair and General Jackson, 1817.

boats for him ; nor did I write confidential letters recommending him to my friends ; nor did I think it necessary, after his failure was universally known, to save myself by turning informer or State witness."

By that time the people of Nashville had heard what was doing in Ohio and Kentucky. The public impeachment of the conspirators checked enlistments and retarded purchases ; but Burr seemed to fear no such personal danger as had prevented his return to Blennerhassett's island. The Governor and Legislature of Ohio had taken public measures to seize boats and supplies as early as December 2 ; Burr had been driven from Kentucky, and Blennerhassett had fled from his island, by December 11 ; but ten days later Burr was still fitting out his boats at Nashville, undisturbed by the people of Tennessee. December 19 the President's proclamation reached Nashville,¹ but still nothing was done.

At last some unmentioned friend brought to Burr a secret warning that the State authorities must soon take notice of his armaments. The authorities at Nashville could no longer delay interference, and Burr was made to understand that his boats would be seized, and that he was himself in danger unless he should immediately escape ; but between December 19 and 22 he was undisturbed. The announcement that Graham was expected to arrive December 23 probably decided his movements ; for on the 22d he hastily abandoned all except two of his boats, receiv-

¹ Parton's Burr, ii. 87.

ing back from Jackson seventeen hundred and twenty-five dollars and taking the two boats and other articles for his voyage.¹ Jackson afterward declared that he suffered in the end a loss of five hundred dollars by a note which Burr had induced him to indorse, and which was returned from New York protested. Without further hindrance Burr then floated down the Cumberland River, taking with him a nephew of Mrs. Jackson, furnished by his uncle with a letter of introduction to Governor Claiborne, — a confidence the more singular because Governor Claiborne could hardly fail, under the warnings of General Jackson's previous secret letter, to seize and imprison Burr and every one who should be found in his company.

Thus, by connivance, Burr escaped from Nashville three days after news of the President's proclamation had arrived. The Government had two more chances to stop him before reaching Natchez. He must join Blennerhassett and Comfort Tyler at the mouth of the Cumberland, and then move down the Ohio River past Fort Massac, garrisoned by a company of the First Infantry, commanded by a Captain Bissell. Having passed Massac, he must still run the gauntlet at Chickasaw Bluff, afterward called Memphis, where another military post was stationed. The War Department sent orders, November 27, to the officers commanding at Massac and Chickasaw Bluff to be on their guard.

¹ Parton's Jackson, i. 322.

December 22 Burr left Nashville, while Adair at about the same time started for New Orleans on horseback through the Indian country. At the mouth of the Cumberland, Burr joined Blennerhassett, who had with him the boats which had succeeded in escaping the Ohio militia. The combined flotilla contained thirteen boats, which carried some sixty men and as many stand of arms, the arms being stowed in cases as cargo. December 25 Burr sent a note to Captain Bissell announcing that he should soon reach Fort Massac on his way South, and should stop to pay his respects. Bissell had received neither the President's proclamation nor the orders from the Secretary of War. As an old friend of Burr, he sent a cordial welcome to the party. In the night of December 29 the boats passed the fort, and landed about a mile below. The next morning Captain Bissell went in his own boat to pay his respects to Colonel Burr, who declined invitations to breakfast and dinner, but asked a furlough of twenty days for a Sergeant Dunbaugh, who had been persuaded to join the expedition. Bissell gave the furlough December 31, and Burr's party at once started for the Mississippi. Five days afterward, January 5, Bissell received a letter, dated January 2, from Andrew Jackson, as Major-General of Tennessee militia, warning him to stop any body of men who might attempt to pass, if they should appear to have illegal enterprises in view. The President's proclamation had not yet reached Fort Massac, nor

had Captain Bissell received any instructions from Washington.¹

The proclamation, dated November 27, and sent immediately to the West, reached Pittsburg December 2,² and should, with ordinary haste, have reached Fort Massac — the most important point between Pittsburg and Natchez — before December 15. The orders which accompanied it ought to have prevented any failure of understanding on the part of Captain Bissell. Bissell's reply to Jackson, dated January 5, reached Nashville January 8, and was forwarded by Jackson to Jefferson, who sent it to Congress with a message dated January 28. Twenty-three days were sufficient for the unimportant reply; forty days or more had been taken for the orders to reach Massac, although they had only to float down the river. That some gross negligence or connivance could alone explain this shortcoming was evident; but the subject was never thought to need investigation by President or Congress. The responsibility for Burr's escape was so equally distributed between the President himself, the War Department, and the many accomplices or dupes of Burr in Kentucky and Tennessee, that any investigation must have led to unpleasant results.

Burr for the moment escaped, and everything depended on the action of Wilkinson. Dayton and

¹ Bissell to Andrew Jackson, Jan. 5, 1807; *Annals of Congress*, 1806-1807, p. 1017.

² Jefferson to Wilkinson, Jan. 3, 1807; *Burr's Trial*. *Annals of Congress*, 1807-1808, p. 580.

the other conspirators who remained in the Eastern States thought it a matter of small consequence whether Burr carried with him a party of sixty men or of six hundred. Doubtless the unexpected energy shown by the people and the legislatures of Ohio and Kentucky proved the futility of attempting to revolutionize those States; but if Wilkinson were true to Burr, and if the city of New Orleans should welcome him, it remained to be seen whether the Government at Washington could crush the rebellion. A blockade of the Mississippi was no easy affair, and slow in its results; England, France, and Spain might have much to say.

Meanwhile Humphrey Marshall and his friend Daveiss enjoyed the triumph they had won. In spite of silent opposition from the Republican leaders, Marshall drove the Kentucky Legislature into an inquiry as to the truth of the charge that Judge Sebastian was a Spanish pensioner. Sebastian instantly resigned. The committee took no notice of this admission of guilt, but summoned Judge Innis to testify. Very reluctantly Innis appeared before the committee and began his evidence, but broke down in the attempt, and admitted the truth of what had been alleged.¹ Before the close of the year Daveiss and Marshall drove Burr and Adair out of the State, forced Sebastian from the bench, humiliated Innis, and threw ridicule upon young Henry

¹ Report of the Select Committee to the Kentucky Legislature, Dec. 2, 1806; National Intelligencer, Jan. 7, 1807.

Clay and the other aggressive partisans of Jefferson, besides placing Jefferson himself and his Secretary of State in an attitude neither dignified nor creditable. Of all the persons connected with the story of Burr's expedition, Daveiss and Marshall alone showed the capacity to conceive a plan of action and the courage to execute the plan they conceived; but Jefferson could not be expected to feel satisfaction with services of such a nature. A few months later he appointed another person to succeed Daveiss in the office of district-attorney.

CHAPTER XIII.

SAMUEL SWARTWOUT and Peter V. Ogden, the young men whom Burr and Dayton charged with the duty of carrying despatches to Louisiana, crossed the Alleghanies in August and floated down the Ohio River to Louisville.¹ There they stopped to find Adair, for whom they brought letters from Burr. After some search Swartwout delivered the letters, and continued his journey. Adair never made known the contents of these papers; but they probably contained the same information as was conveyed in the despatches to Wilkinson which came in their company.

Supposing Wilkinson to be at St. Louis, the two young men bought horses and rode across the Indiana Territory to Kaskaskias; but finding that the General had gone down the Mississippi, they took boat and followed. At Natchez they learned that the object of their search had gone up the Red River. Swartwout was obliged to follow him; but Ogden went to New Orleans with despatches from Burr to his friends in that city.

¹ Wilkinson's Evidence, Burr's Trial; Annals of Congress, 1807-1808, p. 515.

Among the mysteries that still surround the conspiracy, the deepest covers Burr's relations in New Orleans. That he had confederates in the city was proved not only by Ogden's carrying letters, but also by Erick Bollman's arrival by sea, as early as September 27, with a duplicate of Burr's letter of July 29 to Wilkinson; and above all, by the significant disappearance of Burr's letters carried by Ogden and Bollman to persons in New Orleans. The persons implicated proved their complicity by keeping Burr's letters and his secret.

One of these correspondents was almost certainly Judge Prevost, Burr's stepson, whom Jefferson had appointed District Judge for the Territory of Orleans. That Daniel Clark was another hardly admits of doubt. Swartwout assured Wilkinson of the fact;¹ but apart from this evidence, the same reasons which obliged Burr to confide in Wilkinson required him to confide in Clark. The receivers of the letters, whoever they were, hastened to make their contents known to every one whom they could trust. Immediately after the arrival of Bollman and Dayton about October 1, before any serious alarm had risen in Ohio, the town of New Orleans rang with rumors of Burr's projects. The news excited more consternation than hope; for although the creoles had been bitter in complaints of Claiborne's administration and of the despotism imposed upon them by Congress,

¹ Wilkinson to Daniel Clark, Oct. 5, 1807; Clark's Proofs, p. 154.

they remembered their attempt to revolt in 1768, and were far from eager to risk their safety again. Nevertheless, the temper of the people was bad; and no one felt deeper anxiety as to the number of Burr's adherents than Governor Claiborne himself.

Nearly three years had elapsed since Dec. 20, 1803, when the Spanish governor surrendered Louisiana to the United States, and the history of the Territory during that time presented an uninterrupted succession of bickerings. The government at Washington was largely responsible for its own unpopularity in the new Territory, its foreign and domestic policy seeming calculated to create ill-feeling, and after creating it, to keep it alive. The President began by appointing as Governor of Louisiana a man who had no peculiar fitness for the place. Claiborne, in contrast with men like Wilkinson, Burr, and Daniel Clark, rose to the level of a hero. He was honest, well-meaning, straightforward, and thoroughly patriotic; but these virtues were not enough to make him either feared or respected by the people over whom he was to exercise despotic powers; while Claiborne's military colleague, Wilkinson, possessed fewer virtues and a feebler character. The French Prefect, Laussat, who remained for a time in New Orleans to protect French interests, wrote his Government April 8, 1804, an interesting account of the situation as seen by French eyes:¹

¹ Laussat to Decrès, 18 Germinal, An xii. (April 8, 1804); Archives de la Marine, MSS. Gayarré's Louisiana, iii. 10.

“It was hardly possible that the government of the United States should have made a worse beginning, and that it should have sent two men (Messrs. Claiborne, governor, and Wilkinson, general) less fit to attract affection. The first, with estimable private qualities, has little capacity and much awkwardness, and is extremely beneath his place; the second, already long known here in a bad way, is a flighty, rattle-headed fellow, often drunk, who has committed a hundred impertinent follies. Neither the one nor the other understands a word of French or Spanish. They have on all occasions, and without delicacy, shocked the habits, the prejudices, the character of the population.”

Claiborne began his sway, assuming that the creoles were a kindly but ignorant and degraded people, who must be taught the blessings of American society. The creoles, who considered themselves to be more refined and civilized than the Americans who descended upon them from Kentucky and Tennessee, were not pleased that their language, blood, and customs should be systematically degraded, in defiance of the spirit in which the treaty of cession had been made. Their anger was not without an element of danger. England and France could safely defy public opinion and trample on prostrate races. Their empire rested on force, but that of Jefferson rested on consent; and if the people of New Orleans should rebel, they could not be conquered without trouble and expense, or without violating the free principles which Jefferson was supposed to represent.

The colonists in Louisiana had been for a century

the spoiled children of France and Spain. Petted, protected, fed, paid, flattered, and given every liberty except the rights of self-government, they liked Spain¹ and loved France, but they did not love the English or the Americans; and their irritation was extreme when they saw Claiborne, who knew nothing of their society and law, abolish their language, establish American judges who knew only American law, while he himself sat as a court of last resort, without even an attorney to advise him as to the meaning of the Spanish law he administered. At the same time that as judge he could hang his subjects, as intendant he could tax them, and as governor he could shoot the disobedient. Even under the Spanish despotism, appeal might be made to Havana or Madrid; but no appeal lay from Claiborne's judgment-seat.

Before this temporary system was superseded, the creoles already yearned for a return to French or Spanish rule. They had but one hope from the United States,—that, in the terms of the treaty, Louisiana might be quickly admitted into the Union. This hope was rudely dispelled. Not only did Congress treat their claims to self-government with indifference, but the Territory was divided in halves, so that it must be slower to acquire the necessary population for a State; while as though to delay still longer this act of justice, the growth of population was checked by prohibiting the slave-trade. Years must pass before Louisiana could gain admission into

¹ Gayarré, *Spanish Domination*, p. 627.

the Union; and even when this should happen, it must be the result of American expansion at creole expense.

Jefferson's Spanish policy, which kept the country always on the verge of a war with Spain, prevented the French and Spanish population from feeling that their submission was final. In case of war between the United States and Spain, nothing would be easier than to drive Claiborne away and replace Casa Calvo in the government. Claiborne soon found himself confronted by an opposition which he could neither control nor understand. Even the leading Americans joined it. Daniel Clark, rich, eccentric, wild in his talk and restless in his movements, distinguished himself by the personal hatred which he showed for Claiborne; Evan Jones, another wealthy resident, rivalled Clark; Edward Livingston, who had come to New Orleans angry with Jefferson for removing him as a defaulter from office, joined the old residents in harassing the Governor; while the former Spanish officials, Casa Calvo and Morales, remained at New Orleans under one or another pretext, keeping the Spanish influence alive, and maintaining communications with Governor Folch of West Florida, who controlled the Mississippi at Baton Rouge, and with General Herrera, who commanded the Spanish force in Texas. So bad was the state of feeling that when Oct. 1, 1804, the new territorial system was organized, Messrs. Boré, Bellechasse, Cantrelle, Jones, and Daniel Clark, whom the President had named as members of

the legislative council, refused to accept the office; while Messrs. Sauv , Destr han, and Derbigny were deputed by a popular assembly to present their grievances at Washington. Two months elapsed before Governor Claiborne could form any council at all; not until Dec. 4, 1804, was a quorum obtained.

No pretence of disguising their feelings was made by the Spanish population. In French minds the power of Bonaparte was a stronger reliance than the power of Spain; no Frenchman willingly admitted that Napoleon meant to sacrifice Louisiana forever.¹

“The President’s Message,” wrote Governor Claiborne to Madison, Dec. 11, 1804,² “has been translated into the French language, and I will take care to have it circulated among the people. It will tend to remove an impression which has heretofore contributed greatly to embarrass the local administration; to wit, that the country west of the Mississippi would certainly be re-ceded to Spain, and perhaps the whole of Louisiana. So general has been this impression, particularly as relates to the country west of the Mississippi, that many citizens have been fearful of accepting any employment under the American government, or even manifesting a respect therefor, lest at a future time it might lessen them in the esteem of Spanish officers.”

Under the remonstrances of Sauv , Destr han, and Derbigny, and at the intercession of John Randolph, Congress was induced to yield a single point. The

¹ Laussat to Decr s, 18 Germinal, An xii. (April 8, 1804); Archives de la Marine, MSS.

² Gayarr ’s Louisiana, iii. 35.

Act of March 2, 1805, gave Louisiana ordinary Territorial rights, an elected legislature, and a delegate to Congress. After its passage, Claiborne wrote to Madison that the people were disappointed; and in fact the concessions were so trivial as to irritate rather than soothe. Claiborne, whom the people obstinately disliked, was re-appointed governor under the Act, and nothing in reality was changed.

Burr visited New Orleans in June and July, 1805. The new Legislature assembled, Nov. 4, 1805, when Claiborne found himself surrounded by a council partly elected by the Legislature, and a Legislature wholly elected by the people. He was soon at odds with both. The leader of opposition was Daniel Clark; and for a moment in May, 1806, the quarrel went so far that the two legislative bodies were on the point of voluntary disbandment, and a majority of the council actually resigned. The Legislature chose Daniel Clark as their delegate to Congress. Claiborne thought that the choice was made merely out of personal spite; but no sooner did he hear of Burr's disunion scheme than he wrote to Madison,¹—

“If this be the object of the conspirators, the delegate to Congress from this Territory, Daniel Clark, is one of the leaders. He has often said that the Union could not last, and that had he children he would impress early on their minds the expediency of a separation between the Atlantic and Western States.”

¹ Gayarré's Louisiana, iii. 161.

In the same month of May Lieutenant Murray of the artillery, an intimate friend of Daniel Clark, came with a Lieutenant Taylor from Fort Adams to New Orleans, and heard the ordinary conversation of society.

“Lieutenant Taylor and myself,” he afterward testified,¹ “were invited to dine with a gentleman there whose name was on the list before mentioned [of persons engaged in an expedition against Mexico]; it was Judge Workman. We three dined together. After the cloth was removed, Mr. Lewis Kerr came in. . . . After a number of inquiries about Baton Rouge and the Red River country, they proceeded to lay open their plan of seizing upon the money in the banks at New Orleans, impressing the shipping, taking Baton Rouge, and joining Miranda by way of Mexico. . . . When I told Mr. Clark that I was calculated on as the officer to attack Baton Rouge, he advised me by all means to do it. He urged as an inducement that he was coming on to Congress, and would do all he could in my favor; that he would represent to the Government that it would require a large force to retake it; and he further observed that, at any rate, if the Government should be disposed to trouble me, before they could send off a sufficient force I should be in a situation to take care of myself.”

This attempt to seduce officers of the United States army into Burr's conspiracy was flagrant; for although Burr's name was not mentioned, no one could fail to see that the seizure of government money in

¹ Report of the Committee to inquire into the Conduct of General Wilkinson, Feb. 26, 1811; 3 Sess. 11 Cong. p. 320.

the banks at New Orleans was an act of treason, and that the attack on West Florida implied a permanent military establishment on the Gulf.

June 7, 1806, the first Louisiana legislature adjourned, and Governor Claiborne felt relief as deep as was felt by Jefferson at escaping the stings of John Randolph; but although for a time Claiborne flattered himself that his difficulties were lessening, he soon became aware that some mystery surrounded him which he could not penetrate. General Herrera began to press upon the Red River from Nacogdoches in Texas with a force considerably stronger than any which Claiborne could oppose to him. The militia showed indifference. August 28 the Governor wrote to the Secretary of War that the French population would not support the government in case of hostilities.¹ September 9 he wrote to Cowles Meade, then acting-governor of the Mississippi Territory, a letter of uneasiness at the behavior of Wilkinson's troops: "My present impression is that *all is not right*. I know not whom to censure, but it seems to me that there is wrong somewhere." The militia could not be stimulated to action against Herrera, and the feeling of hostility between Americans and creoles was so bitter that Claiborne intervened for fear of violence.²

October 6, 1806, the Governor returned to New Orleans after a tour of inspection. Erick Bollman had

¹ Gayarré's Louisiana, iii. 151.

² Gayarré's Louisiana, iii. 153.

been then ten days in the city, and young Ogden had arrived about October 1, bringing Burr's despatches. According to Bellechasse and Derbigny the creole society was already much excited; but this excitement showed itself to Claiborne in a display of assumed stolidity.

"There is in this city," wrote Claiborne to the Secretary of War October 8,¹ "a degree of apathy at the present time which mortifies and astonishes me; and some of the native Americans act and discourse as if perfect security everywhere prevailed. . . . I fear the ancient Louisianians of New Orleans are not disposed to support with firmness the American cause. I do not believe they would fight against us; but my present impression is that they are not inclined to rally under the American standard."

Claiborne's spirits fluctuated from day to day as he felt the changes in a situation which he could not fathom. October 17 he was elated because the militia of New Orleans unexpectedly, and contrary to the tenor of all its previous conduct, made a voluntary tender of services. November 7 he was again discouraged; and November 15, and even as late as November 25, he fell back into despondency. During all that time the enemies whom he feared were Spaniards in Texas and West Florida; the thought of conspiracy among the apathetic creoles had not yet entered his mind.

Yet around him the city was trembling with excite-

¹ Gayarré's *Louisiana*, iii. 154.

ment; and of all persons in the city Daniel Clark was the one whose conduct showed most signs of guilty knowledge. A few months later, he collected affidavits from four or five of the most important gentlemen in New Orleans to show what his conduct had been. At the moment when Bollman and Ogden arrived, Clark was preparing for his journey to Washington, where he meant to take his seat in Congress as the Territorial delegate. The news brought by Bollman and Ogden that Burr was on his way to New Orleans placed him in a dilemma. Like Senator Smith and Andrew Jackson, his chief anxiety regarded his own safety; and he adopted an expedient which showed his usual intelligence. An affidavit of Bellechasse,¹ on whose character he mainly depended, narrated that —

“in the month of October, a very few days before Mr. Clark left this city to go to Congress, he called together a number of his friends, and informed them of the views and intentions imputed to Colonel Burr, which were then almost the sole topic of conversation, and which, from the reports daily arriving from Kentucky, had caused a serious alarm; and he advised them all to exert their influence with the inhabitants of the country to support the Government of the United States and to rally round the Governor, although he thought him incapable of rendering much service as a military man, — assuring them that such conduct only would save the country if any hostile projects were entertained against it, and that this would be the best method of convincing the Government

¹ Clark's Proofs, p. 145.

of the United States of the attachment of the inhabitants of Louisiana, and of the falsity of all the reports circulated to their prejudice. And Mr. Clark strongly recommended to such members of the Legislature as were then present not to attend any call or meeting of either House in case Colonel Burr should gain possession of the city, stating that such a measure would deservedly expose every individual concerned to punishment, and would occasion the ruin of the country."

According to Bellechasse, the society of New Orleans between Oct. 1 and Oct. 15, 1806, was in serious alarm. Burr's intentions formed "almost the sole topic of conversation;" daily reports were arriving from Kentucky, although in Kentucky, down to October 1, no alarm existed, and Burr's intentions were not even developed. Each of the four affidavits which Clark obtained, one of them signed by Peter Derbigny, affirmed that about the middle of October, 1806, Burr's projects were the general theme of conversation in the city; but nothing was more certain than that this knowledge of Burr's projects must have come not from Kentucky, but from Burr's own letters and from the messages brought by Ogden and Bollman.

Clark, having thus secured himself from the charge of abetting Burr, sailed for the Atlantic coast, and in due time made his appearance at Washington; but neither he nor Bellechasse nor Derbigny nor Bouligny, although officers of the government, giving each other excellent advice, communicated to Governor Claiborne what they knew about Burr's plans.

From October 1 to November 25, the projects of Burr were "the exclusive subject of every conversation" in the city, yet the single official who ought to have been first informed, and who bore all responsibility, had not a suspicion that any conspiracy existed. Claiborne's isolation was complete. This isolation was natural, since all the gentlemen of New Orleans quarrelled with the Governor; but the same silence was preserved where their social relations were friendly. Neither Clark nor any of the persons who talked so much with each other about Burr's projects communicated with General Wilkinson, who was in full sympathy with their hatred of Claiborne. Wilkinson stood in relations of close confidence with Clark; intimate letters passed between them as late as October 2.¹ Clark knew that Wilkinson was Burr's most intimate friend; yet he neither warned Claiborne nor Wilkinson nor President Jefferson, although as early as October 15 he warned a number of other gentlemen who needed no warning, and although October 17 the militia of New Orleans, evidently in consequence of his advice, tendered their services to the Governor.

For two months, between September 27 and November 25, Burr's emissaries were busy in New Orleans, without suspicion or hindrance from the United States authorities; while every prominent Frenchman in the Territory knew the contents of Burr's letter to Wilkinson as soon as Wilkinson could have known

¹ Clark to Wilkinson, Oct. 2, 1806; Clark's Proofs, p. 157.

them. That Burr had few active adherents might be true; but nothing showed that Bollman regarded the result of his mission as unfavorable. Toward the end of October Bollman sent letters by a certain Lieutenant Spence, who reached Lexington in due course, and November 2 delivered his despatches to Burr;¹ but whatever their contents may have been, they were not so decisive against Burr's hopes as to stop his movement. The people of New Orleans were careful not to commit themselves, but they guarded Burr's secret with jealousy. They warned no United States official of the danger in which the city stood; they wrote no letters to the President; they sent no message to Burr forbidding his approach.

This was the situation in New Orleans Nov. 25, 1806, the day when District-Attorney Daveiss at Frankfort made his second attempt to procure an indictment against Burr, and when President Jefferson at Washington was startled into energy by receiving a letter, almost equivalent to a confession, from General Wilkinson. From the Ohio River to the Gulf of Mexico the conspiracy had numerous friends; and in New Orleans it had the most alarming of all qualities, — silence.

Meanwhile young Samuel Swartwout, after parting from his friend Ogden, had slowly ascended the Red River, pursuing General Wilkinson, as Evangeline

¹ Wilkinson's Evidence, Burr's Trial; Annals of Congress, 1807-1808, p. 518. Evidence of Lieutenant Spence, Report of House Committee, Feb. 26, 1811; 3 Sess. 11 Cong., p. 312.

pursued Gabriel, even as far as "the little inn of the Spanish town of Adayes." The military point for Wilkinson to decide was whether he should make an effort to drive the Spaniards back to their town of Adayes, or whether he should allow them to fix themselves on the Red River. The movements of the Spanish General Herrera, who had brought a considerable mounted force to Nacogdoches, were supposed at the moment by many persons to have been made in concert with Burr; but in reality they were doubtless intended only to derange the plan, recommended by Armstrong and Monroe to Jefferson, by which Texas should be seized for the United States, while West Florida for the moment should be left aside. The Spanish government saw the danger, and sent a little army of some fifteen hundred men to the Red River, where they posted a strong garrison at Bayou Pierre, and pressed close upon Natchitoches. The Americans, instead of taking the offensive and advancing with five thousand men, as Wilkinson wished, to the Rio Grande, were thrown upon the defensive, and trembled for New Orleans, protected only by a French militia which neither Claiborne nor Wilkinson could trust.

Under orders from Washington, General Wilkinson reached Natchitoches September 22, and found the Spaniards in force between his own post and the Sabine. For a few days Wilkinson talked loudly, after his peculiar manner. War seemed imminent. September 28 he wrote from Natchitoches a letter

to Senator Smith of Ohio, the contractor for his supplies :¹ —

“ I have made the last effort at conciliation in a solemn appeal to Governor Cordero at Nacogdoches, who is chief in command on this frontier. Colonel Cushing bore my letter, and is now with the Don. I expect his return in four days ; and then, — I believe, my friend, I shall be obliged to fight and flog them.”

Governor Cordero, whose object was probably no more than to restrict American possession within the narrowest possible limits, withdrew his troops from Bayou Pierre, September 27, to the west bank of the Sabine, and left open to Wilkinson the road to the eastern bank. The Spanish forces recrossed the Sabine before September 30, but a week later, October 8, General Wilkinson had not begun his ostentatious march, of some fifty miles, to retake possession of the east bank of the river.

On the evening of October 8, General Wilkinson was sitting with Colonel Cushing, of the Second Infantry, alone in the Colonel's quarters at Natchitoches, discussing the military problem before them, when a young man was introduced who said that his name was Swartwout, and that he brought a letter of introduction from General Dayton. After some little ordinary talk, Colonel Cushing having for a moment been called out of the room, Swartwout slipped into General Wilkinson's hands a packet

¹ Wilkinson to Smith, Sept. 28, 1806 ; Senate Report, Dec 31, 1807, p. 41.

which he said contained a letter from Colonel Burr. Wilkinson received the letter, and soon afterward retired to his chamber, where he passed the rest of the evening in the labor of deciphering Burr's long despatch of July 29.¹

If the falsehoods contained in the letters of Burr and Dayton found any credit in Wilkinson's mind, they should have decided him to follow his old bent toward revolution. Everything beckoned him on. His secret relations, nearly twenty years old, with the Spanish officials guaranteed to him the connivance of the Spanish force. The French militia of Louisiana, deaf to Governor Claiborne's entreaties, would have seen with pleasure Claiborne deposed. About five hundred United States troops were under Wilkinson's command on the Red River, of whom few were native Americans, or cared for the Government except to obtain their pay. In New Orleans a breath would blow away the national authority; and what power would restore it? If it were true, as Burr wrote, that a British fleet stood ready to prevent a blockade of the Mississippi, the success of the Western empire seemed assured.

Severance of the ties that bound him to Dayton and Burr was not a simple matter for Wilkinson. That they were old friends was something; and that all three had fought side by side under the walls of Quebec in the winter of 1776, with the father of young Peter Ogden for a friend, and with Benedict

¹ See p. 253.

Arnold for their commander, was still more ; but the most serious difficulty was that Wilkinson stood in the power of these men, who knew his thoughts and could produce his letters, and who, in case of his deserting them, would certainly do their utmost to destroy what character he possessed.

Whatever may have been his reflections, Wilkinson took at once measures to protect his own interests. Like Senator Smith, Andrew Jackson, and Daniel Clark, his first step was to provide against the danger of being charged with misprision of treason. The morning after Swartwout's arrival, Wilkinson took Colonel Cushing aside, and after telling him the contents of Burr's letter, announced that he meant to notify the President of the plot, and that after making some temporary arrangement with the Spaniards, he should move his whole force to New Orleans. In one sense this avowal was an act of patriotism ; in another light it might have been regarded as an attempt to sound Colonel Cushing, whose assistance was necessary to the success of the plot.

In any case the deliberation of his conduct proved no eagerness to act. A week passed. Although time pressed, and Burr was to move down the Ohio River November 15, Wilkinson did not yet warn the President or the authorities in Mississippi and Tennessee, or the commanding officers at Fort Adams or Chickasaw Bluffs. About October 15 a troop of militia reached Natchitoches ; and Wilkinson confided his plans to Colonel Burling, who accompanied it. One

might almost have suspected that he was systematically sounding his officers. Not until October 21 did he send the promised letter to President Jefferson, and in that letter he did not so much as mention Burr's name.¹ He spoke of the expedition as destined for Vera Cruz. "It is unknown under what authority this enterprise has been projected, from whence the means of its support are derived, or what may be the intentions of its leaders in relation to the Territory of Orleans." The communication was so timed as to reach Washington after Burr should have passed down the Ohio; and it was so worded as to protect Wilkinson in case of Burr's failure, but in no event to injure Burr.

After sending this despatch to Washington by a special messenger, Wilkinson wrote October 23 a letter of mysterious warning to Lieutenant-Colonel Freeman, who commanded at New Orleans.² He wrote also a letter to Burr, which he afterward recovered at Natchez and destroyed.³ He sent his force forward to the Sabine, and passed ten days in making an arrangement with the Spanish officers for maintaining the relative positions of the outposts. Not until November 5 did he return to Natchitoches.

¹ Wilkinson to Jefferson, Oct. 20 and 21, 1806; Wilkinson's *Memoirs*, ii. Appendix, xcv.

² Wilkinson to Freeman, Oct. 23, 1806; Wilkinson's *Memoirs*, ii. Appendix, ci.

³ Wilkinson's Evidence, Burr's Trial; *Annals of Congress*, 1807-1808, p. 541.

Then, at last, his movements became as rapid as they had hitherto been dilatory.

November 7 he wrote to Colonel Cushing from Natchitoches :¹ "On the 15th of this month Burr's declaration is to be made in Tennessee and Kentucky. Hurry, hurry after me ; and if necessary, let us be buried together in the ruins of the place we shall defend!" He had at last chosen his part ; and having decided to act as the savior of the country, he began to exaggerate the danger. "If I mistake not, we shall have an insurrection of blacks as well as whites to combat."² "I shall be with you by the 20th instant," he wrote to Freeman the same day ;³ "in the mean time be you as silent as the grave!" He left Natchitoches November 7, and reached Natchez on the 11th, whence he wrote "from the seat of Major Minor" a letter of alarm to the President, confiding to the messenger an oral account of Burr's letter, for Jefferson's benefit :⁴ —

"This is indeed a deep, dark, and widespread conspiracy, embracing the young and the old, the Democrat and the Federalist, the native and the foreigner, the patriot of '76 and the exotic of yesterday, the opulent and the needy, the 'ins' and the 'outs ;' and I fear it will receive strong support in New Orleans from a quarter little suspected. . . . I gasconade not when I

¹ Wilkinson to Cushing, Nov. 7, 1806 ; *Memoirs*, ii. Appendix, xcix.

² *Ibid.*

³ *Ibid.*

⁴ Wilkinson to Jefferson, Nov. 12, 1806 ; *Memoirs*, ii. Appendix, c.

tell you that in such a cause I shall glory to give my life in the service of my country; for I verily believe such an event to be probable, because, should seven thousand men descend from the Ohio, — and this is the calculation, — they will bring with them the sympathies and good wishes of that country, and none but friends can be afterward prevailed on to follow them. With my handful of veterans, however gallant, it is improbable I shall be able to withstand such a disparity of numbers.”

If this was not gasconade, it sounded much like intoxication; but on the same day the writer indulged in another cry of panic. He should have written to Governor Claiborne a month before; but having made up his mind to speak, he was determined to terrify: ¹ —

“ You are surrounded by dangers of which you dream not, and the destruction of the American government is seriously menaced. The storm will probably burst in New Orleans, where I shall meet it, and triumph or perish ! ”

If the courage of Claiborne did not, on the arrival of this letter, wholly desert him, his heart was stout; but he had yet another shock to meet, for on the same day that Wilkinson at Natchez was summoning this shadowy terror before his eyes, Andrew Jackson at Nashville was writing to him in language even more bewildering than that of Wilkinson: ² —

¹ Wilkinson to Claiborne, Nov. 12, 1806; *Memoirs*, ii. 328.

² Jackson to Claiborne, Nov. 12, 1806; *Burr's Trial. Annals of Congress*, 1807-1808, p. 571.

“ I fear treachery has become the order of the day. This induces me to write you. Put your town in a state of defence ; organize your militia, and defend your city as well against internal enemies as external. My knowledge does not extend so far as to authorize me to go into details, but I fear you will meet with an attack from quarters you do not at present expect. Be upon the alert ! Keep a watchful eye on our General [Wilkinson], and beware of an attack as well from your own country as Spain ! I fear there is something rotten in the state of Denmark. . . . Beware of the month of December ! . . . This I will write for your own eye and for your own safety. Profit by it, and the ides of March remember ! ”

A storm of denunciations began to hail upon Claiborne's head ; but buffeted as he was, he could only bear in silence whatever fate might be in store, for General Wilkinson, who was little more trustworthy or trusted than Burr himself, arrived in New Orleans November 25, and took the reins of power.

CHAPTER XIV.

For several days after Wilkinson's arrival at New Orleans he left the conspirators in doubt of his intentions. No public alarm had yet been given; and while Colonel Cushing hurried the little army forward, Wilkinson, November 30, called on Erick Bollman, and had with him a confidential interview. Not until December 5 did he tell Bollman that he meant to oppose Burr's scheme; and even then Bollman felt some uncertainty. December 6 the General at length confided to the Governor his plan of defence, which was nothing less than that Claiborne should consent to abdicate his office and invest Wilkinson with absolute power by proclaiming martial law.

Considering that this extraordinary man knew himself to be an object of extreme and just suspicion on Claiborne's part, such a demand carried effrontery to the verge of insolence; and the tone in which it was made sounded rather like an order than like advice.

"The dangers," said he,¹ "which impend over this city and menace the laws and government of the United States from an unauthorized and formidable association

¹ Gayarré's *Louisiana*, iii. 163.

must be successfully opposed at this point, or the fair fabric of our independence, purchased by the best blood of our country, will be prostrated, and the Goddess of Liberty will take her flight from this globe forever. Under circumstances so imperious, extraordinary measures must be resorted to, and the ordinary forms of our civil institutions must for a short period yield to the strong arm of military law."

Claiborne mildly resisted the pressure, with much good temper refusing to sanction either the impressment of seamen, the suspension of the writ of habeas corpus, the declaration of martial law, or the illegal arrest of suspected persons, while he insisted on meeting the emergency with the ordinary legal means at his disposal. Wilkinson was obliged to act in defiance of his advice.

Sunday, December 14, arrests at New Orleans began. Bollman was first to be seized. Swartwout and Ogden had been arrested at Fort Adams. These seizures, together with that of Bollman's companion, Alexander, and Wilkinson's wild talk, spread panic through the city. The courts tried to interpose, and applied for support to Governor Claiborne. The Governor advised Wilkinson to yield to the civil authorities; but Wilkinson refused, thus establishing in the city something equivalent to martial law. He knew, or believed, that both Judge Workman and Judge Prevost were engaged in the conspiracy with Burr, and he was obliged to defy them, or to risk his own success. The only effect of the attempt to

enforce the writ of habeas corpus in favor of the prisoners was to draw out what had been hitherto concealed, — Burr's letter of July 29. Not until December 18 did Wilkinson send a written version of that letter to the President.¹ In order to warrant the arrests of Swartwout and Ogden, Wilkinson, December 26, swore to an affidavit which embodied Burr's letter.

This step brought the panic in New Orleans to a climax. Wilkinson's military measures were evidently directed rather against the city than against Burr. His previous complicity in the projects of Burr was evident. His power of life and death was undisputed. Every important man in New Orleans was a silent accomplice of Burr, afraid of denunciation, and at Wilkinson's mercy. He avowed publicly that he would act with the same energy, without regard to standing or station, against all individuals who might be participants in Burr's combination; and it would have been difficult for the best people in New Orleans to prove that they had no knowledge of the plot, or had given it no encouragement. The creole gentlemen began to regret the mild sway of Claiborne when they saw that their own factiousness had brought them face to face with the chances of a drumhead court-martial.

Wilkinson's violence might have provoked an outbreak from the mere terror it caused, had he not

¹ President's Message of Jan. 22, 1807. *Annals of Congress*, 1806-1807, p. 43.

taken care to show that he meant in reality to protect and not to punish the chief men of the city. After the first shock, his arrests were in truth reassuring. The people could afford to look on while he seized only strangers, like Bollman and Alexander; even in Swartwout and Ogden few citizens of New Orleans took much personal interest. Only in case the General had arrested men like Derbigny or Edward Livingston or Bellechasse would the people be likely to resist; and Wilkinson showed that he meant to make no arrests among the residents, and to close his eyes against evidence that could compromise any citizen of the place. "Thank God!" he wrote to Daniel Clark, December 10,¹ "your advice to Bellechasse, if your character was not a sufficient guaranty, would vindicate you against any foul imputation." In another letter, written early in January, he added,²—

"It is a fact that our fool [Claiborne] has written to his contemptible fabricator [Jefferson], that you had declared if you had children you would teach them to curse the United States as soon as they were able to lisp."

Claiborne had brought such a charge only a few weeks before, and Wilkinson must have heard it from Claiborne himself, who had already written to withdraw it on learning Clark's advice to Bellechasse. Nevertheless Wilkinson continued,—

¹ Wilkinson to Daniel Clark, Dec. 10, 1806; Clark's *Proofs*, p. 150.

² Clark's *Proofs*, p. 151.

“ *Cet bête* [Claiborne] is at present up to the chin in folly and vanity. He cannot be supported much longer, for Burr or no Burr we shall have a revolt if he is not removed speedily. The moment Bonaparte compromises with Great Britain will be the signal for a general rising of French and Spaniards; and if the Americans do not join, they will not oppose. Take care! Suspicion is abroad; but you have a friend worth having.”

Clark's business correspondents in New Orleans delivered to Wilkinson a letter which came to them from Burr without address, but which was intended for Bollman.¹ “For your own sake,” said the General, “take that letter away! Destroy, and say nothing of it!” A year later, when the frightened crew of conspirators recovered from their panic and began to turn upon him with ferocity on account of his treason to them and to Burr, Wilkinson wrote to Daniel Clark a last letter, mentioning in semi-threatening language the written evidence in his possession against Clark himself, and adding,²—

“Much pains were taken by Bollman to induce me to believe you were concerned. Swartwout assured me Ogden had gone to New Orleans with despatches for you from Burr, and that you were to furnish provisions, etc. Many other names were mentioned to me which I have not exposed, nor will I ever expose them unless compelled by self-defence. . . .”

¹ Wilkinson to Daniel Clark, March 20, 1807; Clark's Proofs, p. 151.

² Wilkinson to Daniel Clark, Oct. 5, 1807; Clark's Proofs, p. 154.

Wilkinson never did expose them, nor did he molest in any serious degree the society of New Orleans.

Had Wilkinson been satisfied to secure the city without magnifying himself, he might perhaps have won its regard and gratitude; but he could do nothing without noise and display. Before many days had passed he put an embargo on the shipping and set the whole city at work on defences. He spread panic-stricken stories of Burr's force and of negro insurrection. He exasperated the judges and the bar, alienated Claiborne, and disgusted the creoles. Nothing but a bloody convulsion or an assault upon the city from Burr's armed thousands could save Wilkinson from becoming ridiculous.

Jan. 12, 1807, the Legislature met. Probably at no time had Burr's project received much avowed support, even among those persons to whom it had been confided. Men of wealth and character had no fancy for so wild a scheme. The conduct of Daniel Clark was an example of what Burr had to expect from every man of property and standing. The Legislature was under the influence of conservative and somewhat timid men, from whom no serious danger was to be expected, and whose fears were calculated to strengthen rather than to weaken the government; yet it was true that Burr had counted upon this meeting of the Legislature to declare Louisiana independent, and to offer him the government. He was to have waited at Natchez for a delegation to bring

him the offer; and he was supposed to be already at Natchez. The city had been kept for a month in a state of continual alarm, distracted by rumors, and expecting some outbreak from day to day, assured by Wilkinson that Burr with seven thousand men might appear at any moment, with a negro insurrection behind him and British ships in the river, when suddenly John Adair rode into town, and descended at the door of Madame Nourage's boarding-house. Judge Prevost, Burr's stepson, was so indiscreet as to announce publicly that General Adair, second in command to Burr, had arrived in town with news that Burr would follow in three days, and that it would soon be seen whether Wilkinson's tyranny would prevail.¹ The same afternoon Lieutenant-Colonel Kingsbury of the First Infantry, at the head of a hundred and twenty men, appeared at the door of the hotel and marched Burr's second in command to prison. Adair afterward claimed that if he had been allowed forty-eight hours no one could have arrested him, for he had more friends in New Orleans than the General had; but even he must have seen that the conspiracy was dead. For a moment his arrest, and a few others made at the same time, caused excitement, and Wilkinson ordered detachments of troops to patrol the city; but thenceforward confidence began to return and soon the crisis passed away, carrying with it forever most of the discontent

¹ Deposition of John Shaw, Burr's Trial; *Annals of Congress*, 1807-1808, p. 573.

and danger which had marked the annexation of Louisiana. If New Orleans never became thoroughly American, at least it was never again thoroughly French.

Unfortunately for Wilkinson's hopes of figuring in the character of savior to his country, Burr's expedition met with an inglorious and somewhat ridiculous end before it came within sight of Wilkinson or his command. After leaving Fort Massac, the little flotilla entered the Mississippi, and in a few days reached Chickasaw Bluffs, where a small military post of nineteen men was stationed, commanded by a second lieutenant of artillery, who had received no more instructions than had been received by Captain Bissell. So far from stopping the flotilla, Lieutenant Jackson was nearly persuaded to join it, and actually accepted money from Burr to raise a company in his service.¹ January 6, leaving Chickasaw Bluffs, the flotilla again descended the river until, January 10, it reached the mouth of Bayou Pierre, about thirty miles above Natchez. There Burr went ashore, and at the house of a certain Judge Bruin he saw a newspaper containing the letter which he had himself written in cipher to Wilkinson July 29, and which Wilkinson had published December 26.

From the moment Burr saw himself denounced by Wilkinson, his only hope was to escape. The President's proclamation had reached the Mississippi Ter-

¹ Evidence of Lieutenant Jacob Jackson, Burr's Trial; *Annals of Congress*, 1807-1808, p. 683.

ritory ; Cowles Meade, the acting-governor, had called out the militia. If Burr went on he would fall into the hands of Wilkinson, who had every motive to order him to be court-martialled and shot ; if he stayed where he was, Cowles Meade would arrest and send him to Washington. Moving his flotilla across the river, Burr gave way to despair. Some ideas of resistance were entertained by Blennerhassett and the other leaders of the party ; but they were surprised to find their “ emperor ” glad to abdicate and submit. January 17 Burr met Acting-Governor Cowles Meade and surrendered at discretion. His conversation at that moment was such that Meade thought him insane.¹ January 21 he caused his cases of muskets, which had been at first secreted in the brush, to be sunk in the river. After his surrender he was taken to Washington, the capital of the Territory, about seven miles from Natchez. A grand-jury was summoned, and the attorney-general, Poindexter, attempted to obtain an indictment. The grand-jury not only threw out the bill, but presented the seizure of Burr and his accomplices as a grievance. The very militia who stopped him were half inclined to join his expedition. Except for a score of United States officials, civil and military, he might have reached New Orleans without a check.

Fortunately neither the civil nor the military authorities of the national government were disposed to be made a jest. The grand-jury could grant but

¹ Blennerhassett Papers, p. 426.

a respite, and Burr had still to decide between evils. If he fell into Wilkinson's hands he risked a fate of which he openly expressed fear. During the delay his men on the flotilla had become disorganized and insubordinate; his drafts on New York had been returned protested; he knew that the military authorities at Fort Adams were determined to do what the civil authorities had failed in doing; and his courage failed him when he realized that he must either be delivered to President Jefferson, whom he had defied, or to General Wilkinson, whom he had tried to deceive.

Feb. 1, 1807, after sending to his friends on the flotilla a note to assure them of his immediate return,¹ Burr turned his back on them, and left them to the ruin for which he alone was responsible. Disguised in the coarse suit of a Mississippi boatman, with a soiled white-felt hat, he disappeared into the woods, and for nearly a month was lost from sight. Toward the end of February he was recognized in a cabin near the Spanish frontier, about fifty miles above Mobile; and his presence was announced to Lieutenant Gaines, commanding at Fort Stoddert, near by. Gaines arrested him. After about three weeks of confinement at Fort Stoddert he was sent to Richmond in Virginia. In passing through the town of Chester, in South Carolina, he flung himself from his horse and cried for a rescue; but the officer commanding the escort seized him, threw him back like a

¹ Blennerhassett Papers, p. 206.

child into the saddle, and marched on. Like many another man in American history, Burr felt at last the physical strength of the patient and long-suffering government which he had so persistently insulted, outraged, and betrayed.

Not until the end of March, 1807, did Burr reach Richmond; and in the mean while a whole session of Congress had passed, revolution after revolution had taken place in Europe, and a new series of political trials had begun for President Jefferson's troubled Administration. The conspiracy of Burr was a mere episode, which had little direct connection with foreign or domestic politics, and no active popular support in any quarter. The affairs of the country at large felt hardly a perceptible tremor in the midst of the excitement which convulsed New Orleans; and the general public obstinately refused to care what Burr was doing, or to believe that he was so insane as to expect a dissolution of the Union. In spite of the President's proclamation of Nov. 27, 1806, no special interest was roused, and even the Congress which met a few days later, Dec. 1, 1806, at first showed indifference to Burr and his affairs.

If this was a matter for blame, the fault certainly lay with the President, who had hitherto refused to whisper a suspicion either of Burr's loyalty or of the patriotism which Jefferson believed to characterize Louisiana, the Mississippi Territory, and Tennessee. Even the proclamation had treated Burr's enterprise as one directed wholly against Spain. The Annual

Message, read December 2, showed still more strongly a wish to ignore Burr's true objects. Not only did it allude to the proclamation with an air of apology, as rendered necessary by "the criminal attempts of private individuals to decide for their country the question of peace or war," but it praised in defiance of evidence the conduct of the militia of Louisiana and Mississippi in supporting Claiborne and Wilkinson against the Spaniards:—

"I inform you with great pleasure of the promptitude with which the inhabitants of those Territories have tendered their services in defence of their country. It has done honor to themselves, entitled them to the confidence of their fellow-citizens in every part of the Union, and must strengthen the general determination to protect them efficaciously under all circumstances which may occur."

On some subjects Jefferson was determined to shut his eyes. He officially asserted that the Orleans militia had done honor to themselves and won the confidence of their fellow-citizens at a moment when he was receiving from Governor Claiborne almost daily warnings that the Orleans militia could not be trusted, and would certainly not fight against Spain.

By this course of conduct Jefferson entangled himself in a new labyrinth of contradictions and inconsistencies. Until that moment, his apparent interests and wishes led him to ignore or to belittle Burr's conspiracy; but after the moment had passed, his interests and convictions obliged him to take the views

and share the responsibilities of General Wilkinson. Thus John Randolph found fresh opportunities to annoy the President, while the President lost his temper, and challenged another contest with Luther Martin and Chief-Justice Marshall.

After shutting his ears to the reiterated warnings of Eaton, Truxton, Morgan, Daveiss, and even to the hints of Wilkinson himself; after neglecting to take precautions against Burr, Wilkinson, or the city of New Orleans, and after throwing upon the Western people the responsibility for doing what the government had been instituted to do; after issuing a proclamation which treated Burr's armament as a filibustering venture like that of Miranda; and after sending to Congress an Annual Message which excused the proclamation on the ground that it was an act of good faith toward Spain, although Spain took no such view of it,—Jefferson could not reasonably expect the opposition in Congress to accept without a protest sudden legislation resting on the theory that the Constitution and the Union were in danger.

The month of December, 1806, passed at Washington without producing a public display of uneasiness on the President's part; the Government was waiting to hear from Kentucky and Ohio. Outwardly Jefferson continued to rely on the patriotism of the people of Louisiana, but inwardly he was troubled with fears. December 22 Robert Smith, anxious to save himself from possible calamity, wrote to him a letter of remonstrance.

“In the course of our various communications,” said Smith,¹ “in relation to the movements of Colonel Burr in the Western country, I have from time to time expressed the opinions which, as they were not at all countenanced by any of the other gentlemen, I did not deem it expedient to press upon your attention. . . . If, as was proposed on the 24th of October, the sloops-of-war and the gunboats stationed at Washington, New York, Norfolk, and Charleston had been sent to New Orleans under the command of Commodore Preble; with Captain Decatur second in command, we would at this time have nothing to apprehend from the military expedition of Colonel Burr. Such a naval force joined to the ketches and gunboats now on the Mississippi, would beyond a doubt have been sufficient to suppress such an enterprise. But this step, momentous as it was, the Executive could not take consistently with the limitations of existing statutes and with the spirit manifested by the House of Representatives at their last session. The approaching crisis will, I fear, be a melancholy proof of the want of forecast in so circumscribing the Executive within such narrow limits.”

Robert Smith, conscious of being the person whom Congress most distrusted, grasped at the idea of freeing himself from restraint, and did not stop to ask whether Burr's impunity were due to want of forecast in Congress or in the Executive. He was alarmed; and the President's reply to his letter showed that Jefferson was equally uncomfortable.²

¹ Robert Smith to Jefferson, Dec. 22, 1806 ; Jefferson MSS.

² Jefferson's Writings (Ford), viii. 504.

“What I had myself in contemplation,” the President answered, “was to wait till we get news from Louisville of December 15, the day of Burr’s proposed general rendezvous. The post comes from thence in twelve days. The mail next expected will be of that date. If we then find that his force has had no effectual opposition at either Marietta or Cincinnati, and will not be stopped at Louisville, then, without depending on the opposition at Fort Adams (though I have more dependence on that than any other), I should propose to lay the whole matter before Congress, ask an immediate appropriation for a naval equipment, and at the same time order twenty thousand militia, or volunteers, from the Western States to proceed down the river to retake New Orleans, presuming our naval equipment would be there before them. In the mean time I would recommend to you to be getting ready and giving orders of preparation to the officers and vessels which we can get speedily ready.”

Not a trace of confidence in the people of Louisiana was to be detected in this plan of operations. The duty of the government not only to act, but to act with extreme quickness and vigor, before Burr should come within a long distance of New Orleans, was avowed. The idea of calling out twenty thousand men to retake New Orleans showed a degree of alarm contrasting strongly with the equanimity that preceded it, and with the inertness which had allowed such an emergency to arise. The difference of tone between this letter and the President’s public language was extreme. Nevertheless, the Western mail arrived, bringing news that the State of Ohio had

seized the greater part of Burr's boats, that six or eight had escaped, and that Burr had gone to Nashville ; and in this partly satisfactory report the President saw reason for further silence. Next came, Jan. 2, 1807, Wilkinson's letter of November 12 from Natchez, with its pledge to perish in New Orleans, and with messages, not trusted to writing, but orally imparted to the messenger, about Burr's cipher letters and their contents. Still the President made no sign. For want of some clew his followers were greatly perplexed ; and men like John Randolph, who hated the President, and Samuel Smith, who did not love him, began to suspect that at last the Administration was fairly at a standstill. Randolph, with his usual instability, swayed between extremes of scepticism. At one moment he believed that the situation was most serious ; at another, that the conspiracy was only a Spanish intrigue. January 2 he wrote to Monroe, in London, a letter full of the conviction that Spain was behind Burr :¹ " I am informed also, through a very direct and respectable channel, that there is a considerable party about Lexington and Frankfort highly propitious to his views, and with strong Spanish prepossessions. Some names which have been mentioned as of the number would astonish you." Jefferson's conduct irritated him more than that of Burr or Yrujo : —

" The state of things here is indeed unexampled. Although the newspapers teem with rumors dangerous to

¹ Randolph to Monroe, Jan. 2, 1807 ; Monroe MSS.

the peace and safety of the Union, and notwithstanding Government give full faith and credit to the existence of a formidable conspiracy, and have given information and instructions to the several State authorities how to act (under which Ohio has done herself much honor), yet not one syllable has been communicated to Congress on the subject. There are some other curious circumstances which I must reserve for oral communication, not caring to trust them by letter. One fact, however, ought not to be omitted. The army (as it is called) is in the most contemptible state, unprovided with everything, and men and officers unacquainted with their duties."

In what state Randolph expected the army to be, after six years of such legislation as his, could not be guessed. Officers and soldiers, distributed by companies, in forts hundreds of miles distant from each other, could hardly become acquainted with any other duties than those of a frontier garrison. General Smith did not, like Randolph, complain of others for the consequences of his own acts. He too wrote at that moment a confidential letter, describing the situation, to his brother-in-law, Wilson Cary Nicholas : ¹ —

"I fear that Burr will go down the river and give us trouble. The proclamation, it seems, in the Western country is very little attended to. They, no doubt, seeing no exertion making, consider that it has originated from false information. The President has not yet given any kind of information to Congress, and gentlemen

¹ Samuel Smith to W. C. Nicholas, Jan. 9, 1807 ; Nicholas MSS.

(Giles among the number) will not believe that there is any kind of danger. . . . Burr's letter to Wilkinson is explicit. (This is secret.) He had passed the Alleghany *never, never* to return; his object, New Orleans, — open and avowed. And yet not one step taken, except the proclamation! Duane calls on Congress to act. How can Congress act? Would you force from the Executive the information they are unwilling to give? This would be imprudent. I have (with consent of the President) introduced a Resolution proposing an addition to our military establishment. Will it pass? That I can't tell. . . . It is curious that the nation should depend on the unauthorized exertions of a man whose honor and fidelity were doubted by all except a very, very few, not five in the United States, for its preservation and character. Had he not disclosed the conspiracy, the President would have folded his arms and let the storm collect its whole strength. Even now, not an energetic measure has been taken except by him [Wilkinson] and Tiffin."

Another week passed. Then at last, January 16, John Randolph rose in the House and moved a Resolution asking the President what he knew about Burr's affairs, and what he had done or meant to do in the matter. "The United States are not only threatened with external war," Randolph said, "but with conspiracies and treasons, the more alarming from their not being defined; and yet we sit and adjourn, adjourn and sit, take things as schoolboys, do as we are bid, and ask no questions!" His Resolution annoyed the democrats; but his sneers were more convincing than his arguments, and after some

contradictory and unorganized resistance, a majority supported him. The Resolution was adopted and sent to the President.

Two days afterward, January 18, Wilkinson's despatches from New Orleans to December 18, embracing his first written version of Burr's cipher despatch reached Washington. The country learned that Wilkinson had arrested Bollman and other accomplices of Burr, and in defiance of their legal rights had shipped them to Washington for trial. Jefferson was obliged to decide whether he should sustain or repudiate Wilkinson; and in the light of Burr's revelations and Wilkinson's *quasi* confession, he could not deny that a serious conspiracy existed, or affirm that the General had gone beyond the line of duty, even though he had violated the laws. Dearborn's instructions, indeed, had to some extent authorized the arrests. At that moment if the President had repudiated Wilkinson, he would have only diverted public indignation from Burr, and would have condemned the Executive itself, which after so many warnings had left such power in the hands of a man universally distrusted.

Thus at last Jefferson was obliged to raise his voice against Burr's crimes. Thenceforward a sense of having been made almost a party to the conspiracy gave a sting of personal bitterness to the zeal with which he strove to defend Wilkinson and to punish Burr. Anxiety to excuse himself was evident in the Message which he sent to Congress

January 22, in response to Randolph's Resolution of January 16.

"Some time in the latter part of September," he said, "I received intimations that designs were in agitation in the Western country, unlawful and unfriendly to the peace of the Union, and that the prime mover in these was Aaron Burr."

He had received such intimations many times, and long before the month of September.

"It was not till the latter part of October that the objects of the conspiracy began to be perceived."

Absolute truth would have required the President to say rather that it was not till the latter part of October that inquiry on his part began to be made.

"In Kentucky a premature attempt to bring Burr to justice, without a sufficient evidence for his conviction, had produced a popular impression in his favor and a general disbelief of his guilt. This gave him an unfortunate opportunity of hastening his equipments."

Complaint of District-Attorney Daveiss was natural; but the reproof was inexact in every particular. The attempt to indict Burr, if any attempt were to be made, was not premature. The impression in his favor did not give Burr an opportunity to hasten his equipments, since Graham appeared at Marietta the same day with the news of Burr's first discharge at Frankfort. Finally, if Daveiss's attempt failed, the fault was chiefly with the Government at Washington, which had taken no measures to direct or to

support it, and which was represented on the bench by a judge himself implicated in the charge.

“On the whole,” said the Message, “the fugitives from the Ohio, with their associates from Cumberland, or any other place in that quarter, cannot threaten serious danger to the city of New Orleans.”

Yet a conspiracy against the Union existed; the President communicated Burr’s cipher letters; he proclaimed Burr’s expectation of seizing upon New Orleans, as well as the panic prevailing there; and he approved Wilkinson’s arrest of Bollman and Swartwout. Finally, the Message spoke of the people in New Orleans in a tone of confidence quite different from that of Wilkinson’s despatches, communicated with the Message itself.¹

The Senate interpreted the Message in the sense it was doubtless meant to bear, — as a request from the President for support. Bollman and Swartwout, who would arrive in Washington within a few days or hours, had been illegally arrested, and they, as well as the other conspirators, could not without special legislation be held longer in custody. Giles at once introduced a Bill suspending for three months the writ of habeas corpus with respect to such persons; and the necessity of this measure seemed so obvious to the Senate that the Rules were suspended by unanimous consent, and the Bill was passed on the

¹ Wilkinson to Jefferson, Dec. 14, 1806; *Annals of Congress*, 1806–1807, p. 1009.

same day through all its stages. Bayard alone voted against it.¹

Monday, January 26, the Bill was brought before the House, and Eppes of Virginia, the President's son-in-law, immediately moved its rejection. The debate that followed was curious, not only on account of the constitutional points discussed, but also on account of the division of sentiment among the President's friends, who quoted the Message to prove that there was no danger to public safety such as called for a suspension of habeas corpus, and appealed to the same Message to prove the existence of a more wanton and malignant insurrection than any that had ever before been raised against the Government. John Randolph intimated that the President was again attempting to evade responsibility.

"It appears to my mind," said he, "like an oblique attempt to cover a certain departure from an established law of the land, and a certain violation of the Constitution of the United States, which we are told have been committed in this country. Sir, recollect that Congress met on the first of December; that the President had information of the incipient stage of this conspiracy about the last of September; that the proclamation issued before Congress met; and yet that no suggestion, either from the Executive or from either branch of the Legislature, has transpired touching the propriety of suspending the writ of habeas corpus until this violation has taken place. I will never agree in this side way to cover up such a violation by a proceeding highly dan-

¹ Diary of J. Q. Adams (Jan. 23, 1807), i. 445.

gerous to the liberty of the country, or to agree that this invaluable privilege shall be suspended because it has been already violated, — and suspended, too, after the cause, if any there was for it, has ceased to exist. . . . With whatever epithets gentlemen may dignify this conspiracy, . . . I think it nothing more nor less than an intrigue!”

The Bill was accordingly rejected by the great majority of one hundred and thirteen to nineteen. On the same day the attorney-general applied to Judge Cranch of the District Court for a warrant against Bollman and Swartwout on the charge of treason, filing Wilkinson's affidavit and a statement given under oath by William Eaton in support of the charge. The warrant was issued; Bollman and Swartwout at once applied to the Supreme Court, then in session, for a writ of habeas corpus. February 13 Chief-Justice Marshall granted the writ; February 16 their counsel moved for their discharge; and February 21 the chief-justice decided that sufficient evidence of levying war against the United States had not been produced to justify the commitment of Swartwout, and still less that of Bollman, and therefore that they must be discharged. Adair and Ogden, who had been sent to Baltimore, were liberated by Judge Nicholson.

The friends of the Administration, exasperated at this failure of justice, again talked of impeaching the judges.¹ Giles threatened to move an amendment of

¹ Diary of J. Q. Adams (Feb. 21, 1807), i. 459.

the Constitution taking all criminal jurisdiction from the Supreme Court. Meanwhile Randolph and the Federalists assailed Wilkinson, and by implication the President. They brought forward a Resolution declaring the expediency of making further provision by law for securing the privilege of habeas corpus; and in the warm debate raised by this manœuvre John Randolph made himself conspicuous by slurs upon Wilkinson, whom he did not scruple to charge with double treason,—to the Constitution and to Burr. By a close vote of sixty to fifty-eight this Resolution was indefinitely postponed; but the debate showed the settled drift of Randolph's tactics. He meant to attack the President by attacking Wilkinson; and the President could no longer evade responsibility for Wilkinson's acts. To be thwarted by Chief-Justice Marshall and baited by John Randolph; to be made at once the scapegoat of Burr's crimes and of Wilkinson's extravagances,—was a fate peculiarly hard to bear, but was one which Jefferson could not escape.

Thenceforward the situation changed. What seemed to be the indictment and trial of Burr became, in a political point of view, the trial of Wilkinson, with John Randolph acting as accuser and President Jefferson as counsel for the defence, while Chief-Justice Marshall presided in judgment. No more unpleasant attitude could be readily imagined for a man of Jefferson's high position and pure character than to plead before his two most formidable and unforgiving enemies as

the patron and protector of a client so far beneath respect. Driven by forces which allowed no choice of paths, he stood by the man who had saved him; but in order to understand precisely what he effected in sustaining Wilkinson, Americans must look in the archives of the King of Spain for knowledge of facts disbelieved by the President of the United States.

“According to appearances,” wrote Yrujo Jan. 28, 1807,¹ “Spain has saved the United States from the separation of the Union which menaced them. This would have taken place if Wilkinson had entered cordially into the views of Burr, — which was to be expected, because Wilkinson detests this government, and the separation of the Western States has been his favorite plan. The evil has come from the foolish and pertinacious perseverance with which Burr has persisted in carrying out a wild project against Mexico. Wilkinson is entirely devoted to us. He enjoys a considerable pension from the King. With his natural capacity and his local and military knowledge, he anticipated with moral certainty the failure of an expedition of this nature. Doubtless he foresaw from the first that the improbability of success in case of making the attempt would leave him like the dog in the fable with the piece of meat in his mouth; that is, that he would lose the honorable employment he holds and the generous pension he enjoys from the King. These considerations, secret in their nature, he could not explain to Burr; and when the latter persisted in an idea so fatal to Wilkinson’s interests, nothing remained

¹ Yrujo to Cevallos, Jan. 28, 1807; MSS. Spanish Archives.

but to take the course adopted. By this means he assures his pension; and will allege his conduct on this occasion as an extraordinary service, either for getting it increased, or for some generous compensation. On the other hand this proceeding secures his distinguished rank in the military service of the United States, and covers him with a popularity which may perhaps result in pecuniary advantages, and in any case will flatter his vanity. In such an alternative he has acted as was to be expected; that is, he has sacrificed Burr in order to obtain, on the ruins of Burr's reputation, the advantages I have pointed out."

Whether Yrujo was right in his theory of Wilkinson's motives might be doubted, but on one point he could not be mistaken. The general-in-chief of the United States Army was in the employment of Don Carlos IV.; he enjoyed a pension of two thousand dollars a year in consideration of secret services, and for twenty years the services had been rendered and the pension had been paid.¹

¹ Clark's Proofs against Wilkinson, 1809.

CHAPTER XV.

JEFFERSON'S effort to suppress the scandal of Burr's disunion scheme had its source in motives both pure and generous. Distressed by the factiousness of the last session, he could feel no wish more ardent than to restore harmony to his party. The struggle for the succession threatened to tear from his brows the hard-won laurels which were his only pleasure, and the reward for infinite labors and mortifications. So far as he could, he stifled discussion in regard to the coming change.

"The question," he wrote to Leiper of Pennsylvania,¹ "cannot be touched without endangering the harmony of the present session of Congress, and disturbing the tranquillity of the nation itself prematurely and injuriously. . . . The present session is important as having new and great questions to decide, in the decision of which no schismatic views should take any part."

In this spirit the President shaped his acts. Reunion in a common policy, a controlling impulse, was the motive of his gentleness toward Randolph and the Virginia schismatics, as it was that of his blindness to the doings of Burr.

¹ Jefferson's Writings (Ford), viii. 562.

The Annual Message of December, 1806, was intended to unite the party on a new plane of action, and to prepare the way for Madison's gentle rule. Foreign affairs were to be allowed to drop from sight; France, England, and Spain were to be forgotten; Florida was to be ignored; political energy was to be concentrated upon the harvesting of fruits already ripe. For six years, carrying out the policy of discharging public debt, Gallatin had pursued his economies, in the opinion of many good men pressing them so far as to paralyze Government. The time had come when he could do no more. Twenty-four millions of debt had been paid. Of the remainder about ten millions only could be dealt with; and arrangements were made for discharging these ten millions before Jefferson's term should end. Meanwhile the revenue was growing; the surplus must be disposed of, and the period of pinching economies might cease. Henceforward Republicans, Democrats, and Federalists might agree on some common system of expenditure.

"The question now comes forward," said the Annual Message, "to what other objects shall these surpluses be appropriated, and the whole surplus of impost, after the entire discharge of the public debt, and during those intervals when the purposes of war shall not call for them? Shall we suppress the impost, and give that advantage to foreign over domestic manufactures? On a few articles of more general and necessary use the suppression in due season will doubtless be right; but the

great mass of the articles on which impost is paid are foreign luxuries, purchased by those only who are rich enough to afford themselves the use of them. Their patriotism would certainly prefer its continuance and application to the great purposes of the public education, roads, rivers, canals, and such other objects of public improvement as it may be thought proper to add to the constitutional enumeration of federal powers. By these operations new channels of communication will be opened between the States, the lines of separation will disappear, their interests will be identified, and their union cemented by new and indissoluble ties. Education is here placed among the articles of public care, not that it would be proposed to take its ordinary branches out of the hands of private enterprise, which manages so much better all the concerns to which it is equal; but a public institution can alone supply those sciences which, though rarely called for, are yet necessary to complete the circle, all the parts of which contribute to the improvement of the country, and some of them to its preservation."

With an air of apology, as though his old opinions were no longer of practical interest, the President added that an amendment to the Constitution would be necessary in order to bring these new functions within the enumerated objects of government; but to such an amendment he saw no objection, nor did he apprehend difficulty in obtaining it. A broad system of internal improvements; a national university; "a steady, perhaps a quickened, pace in preparations for the defence of our seaport towns and waters; an

early settlement of the most exposed and vulnerable parts of our country ; a militia so organized that its effective portions can be called to any point in the Union, or volunteers instead of them, to serve a sufficient time," — these were the objects to which Congress should devote its energies, in order that when the two remaining years of Jefferson's power should come to an end, the fabric of Republican government might be complete.

That Federalist and Democrat could join in accepting such a scheme of action, and could lay aside forever their old, unprofitable disputes, seemed no wild dream. The hope was strengthened by a paragraph of the Message which held out the prospect of removing another serious barrier to perfect harmony : —

" I congratulate you, fellow-citizens, on the approach of the period at which you may interpose your authority constitutionally to withdraw the citizens of the United States from all further participation in those violations of human rights which have been so long continued on the unoffending inhabitants of Africa, and which the morality, the reputation, and the best interests of our country have long been eager to proscribe."

Almost ignoring foreign politics, Jefferson recommended Congress to abolish the slave-trade, begin a system of national roads and canals, found a national university, fortify the coasts, and organize the national militia ; and had Congress been able or willing to follow promptly his advice, many difficulties would have been overcome before the year 1810

which seemed even twenty years later to bar the path of national progress. Congress, indeed, never succeeded in rising to the level of Jefferson's hopes and wishes; it realized but a small part of the plan which he traced, and what it did was done with little system. The slowness with which political movement lagged behind industrial and social progress could be measured by the fate of President Jefferson's scheme of 1806 for crowning the fabric of Republican government. Not by means of the government, or by virtue of wisdom in the persons trusted with the government, were Jefferson's objects destined at last to be partially attained.

Notwithstanding the favor shown to internal improvements, John Randolph exulted in the President's Message, which he regarded as expressing his own views. He scoffed at the Smiths, Crowninshields, and other orators who in the last session had talked loudly of war.¹

"The Message," he wrote to Nicholson, "was, as you supposed, wormwood to certain gentry. They made wry faces, but in fear of the rod and in hopes of sugar-plums swallowed it with less apparent repugnance than I had predicted."

General Smith and the politicians who wanted armaments were annoyed.

"We have established theories," wrote Smith,² "that would stare down any possible measures of offence or

¹ Adams's Randolph, p. 206.

² Adams's Randolph, p. 208.

defence. Should a man take a patriotic stand against those destructive and seductive fine-spun follies, he will be written down very soon. Look at the last Message! It is such that the President cannot recommend (although he now sees the necessity) any augmentation of the army. Nay I, even *I*, did not dare to bring forward the measure until I had first obtained his approbation. Never was there a time when Executive influence so completely governed the nation!"

No man of ordinary sense could fail to feel some shame at the recollection of what had taken place in regard to Florida, or to wish that it might be forgotten; and the friends of Madison had every reason for ignoring it and for welcoming Randolph's followers back into the party, if they would consent to come. The session took character from this spirit of reconciliation. The first Bill adopted by Congress suspended, at the President's judgment, the operation of the Non-importation Act passed in April; and Randolph did not fail to suggest that his sarcasms against those who had urged this law were justified by its instant suspension. The next important measure, brought forward under the President's patronage, was the abolition of the duty on salt; and Randolph reminded the House that this relief from taxation followed close upon his own strenuous efforts of the year before. Throughout the session Randolph took the tone of a dictator; and on most questions a majority of the House tried only to vie with him in the race for popularity. Old subjects of dispute were

laid aside; the Yazoo claims were forgotten. In regard to the army and navy, Randolph was allowed to have his way; in the case of Bollman and Swartwout, he stopped the attempt to suspend the writ of habeas corpus; in sympathy with his opinions the House cut down appropriations, refused to fortify New York, declined to increase the army, and reverted to the first principles of the Republican party. The session of 1806-1807 was a perpetual effort to win back the confidence and support of Virginia for Madison, and leave no excuse for defection to Monroe.

General Smith thought Executive influence more powerful than ever, but the President seemed to influence only by disguising his weakness. Little or no attention was paid to his wishes. He would gladly have built ships of the line, he would willingly have fortified New York, he would have liked two more regiments to garrison the military posts; but he could do nothing in face of the reaction which, at Randolph's bidding, swept the Southern Republicans back to their practices of 1801 and their professions of 1798. The force of reactionary feeling was shown in speeches which revealed a dangerous chasm between North and South. On the question of fortifying New York, Southern Republicans took ground which caused New York Democrats to feel toward Virginia a disgust as deep as ever had been felt by Burr. Nelson of Maryland favored abandoning the cities altogether in case of attack:¹ "When the

¹ *Annals of Congress*, 1806-1807, p. 389.

enemy comes, let them take our towns, and let us retire into the country." Holland of North Carolina regarded the seaboard cities as so many enemies : ¹

"If New York and our other cities were only tolerably fortified, Mr. Holland was confident that we should go to war. He lamented the consequences of that disposition that is for novelty in this country, — a disposition that cannot be quelled. Our commercial towns are defenceless, and that is our only safety at present. I want to see not a single ship, or any preparation for war."

Eppes of Virginia, the President's son-in-law, spoke hotly against the doctrine of defence : —

"If there is any principle which ought to be hooted at in a Republican government, it is the very principle laid down by the gentleman from New York as the basis of his reasoning, — that to preserve peace we ought to be prepared for war. Sir, it is this very principle which is the source of all the miseries of Europe."

John Randolph also favored abandoning New York in case of attack : ² —

"Suppose New York ever so well fortified, an army may land above the city and cut off its intercourse with the country. A fortification there would be made for the enemy. Not a man of our army would have escaped in the last war from Long Island, if the enemy's general had not been treacherous to his duty ; and all the calamities of that campaign might have been avoided if our army had retreated into the country."

¹ Annals of Congress, 1806-1807, p. 598.

² Annals of Congress, 1806-1807, p. 610.

Answer to arguments like these was of course impossible. The only final answer was to take the Southern people at their word, and to assert as a principle the rule that seaboard cities, being entitled to no protection from government in case of attack, should have the right to protect themselves by inviting the enemy to occupy them. Boston and New York had no reason to fear the operation of such a rule, if it suited the interests of Virginia; but as an argument even this logic would have availed nothing, because so deep was Virginian antipathy to cities that Randolph and all his friends would have answered with one voice, "We expect no better!"

The unwillingness of the Southern Republicans to fortify extended only to forts and ships, not to gunboats. Randolph had not much faith in gunboats; but his friends were willing to spend comparatively large sums on these cheap defences. Their theory was reasonable. A coast like that of America could not be protected by fixed fortifications alone,—only some system of movable batteries could answer the whole purpose; but in such a system everything depended on the effectiveness of the battery to be selected, and no one could say that the gunboat would prove to be effective. Most sea-going people pronounced it a failure; and in the navy, gunboat service was never popular. The real argument for gunboats was their assumed cheapness; but Gallatin and the Northern Democrats, as well as the Federalists, foresaw that the supposed economy was a delusion. A

gunboat cost some ten thousand dollars or less, and a whole flotilla of gunboats could be built for the price of a frigate; but no one could say how much this flotilla would cost in annual repairs or in actual service. The life of a gunboat was short.

These doubts had no effect on the majority of the House. "Fortifications will be of no possible service unless they are manned," argued Nelson,¹ "and to man them we must have a large standing army." He wanted to know whether the House was prepared to adopt a system that would require the raising of above one hundred thousand men. If forts were of no possible service unless they were always manned, — new as the assertion was, — surely gunboats were open to the same objection; yet Nelson wanted to spend three hundred thousand dollars in building gunboats, and he was willing to build any number of gunboats the navy might ask for.²

The Northern seaboard representatives rejected the offer of gunboats, and allowed the Southern States to dispose of them. No appropriation for fortifying New York could be obtained. The theory that seaboard cities could not be defended received general assent; but many of the members went further, and declared that no danger to those cities existed. A policy of neglecting defence might be safe in peace, when foreign nations had every interest to avoid a war; but nothing could warrant the common asser-

¹ *Annals of Congress*, 1806-1807, p. 398.

² *Annals of Congress*, 1806-1807, p. 400.

tion that danger of war existed only from America herself, at a moment when France was attacking American commerce by measures of actual warfare, when England was hesitating whether to permit America to trade at all except with the British Islands, and when diplomatic relations with Spain had ceased, the ministers at Madrid and Washington had been withdrawn, and a Spanish army was threatening New Orleans.

Willis Alston of North Carolina, chiefly known as an object of Randolph's peculiar contempt and personal violence, took as strong ground as Randolph himself on these questions. On the other hand Josiah Quincy showed in a high degree the art of irritating opponents by his manner of expressing a low opinion of their sense and motives; and the Southern members resented this treatment the more because Quincy was a man well born and well educated, whose social standing could not be questioned. In reply to his taunts Alston resorted to the well-worn commonplaces of the Republican party. "The present Administration," said he, "has taken up a new system of defence,—it is that of saving the public money. This system is new, and not known in Federal times. We have not gone on increasing taxes, like our predecessors." The assertion could not be denied; but Quincy's retort was not the less pungent. "The Federal Administration," he replied, "saved the country from danger and disgrace: I wish I could say as much of their successors."

The whole issue lay in these short charges and counter-charges. To some extent the President, his Cabinet, and the Senate had become converted to Federalist views; but the influence of Randolph and of popular prejudices peculiar to Southern society held the House stiffly to an impracticable creed. Whatever the North and East wanted the South and West refused. Jefferson's wishes fared no better than the requests of the State and city of New York; the House showed no alacrity in taking up the subject of roads, canals, or universities. The only innovation which made its way through Congress was the Act of Feb. 10, 1807, appropriating fifty thousand dollars for the establishment of a coast survey, for this was an object in which the Southern States were interested as deeply as the Northern. Even the Senate's appropriation for beginning the Cumberland Road was indefinitely postponed by the House.

This jealousy of government could not without ill-temper be so severely enforced. Randolph's manners were unconsciously imitated by the men who imitated his statesmanship, and the Southern Republicans treated their Northern allies with autocratic harshness as offensive as that of Randolph. The Federalist members, for the most part able to hold their own and even to return such treatment with manners still more arrogant, enjoyed the irritation of Democrats like Sloan and Smilie, Bidwell and Varnum. If the Southern planters refused to aid in fortifying New York, the Federalists were the stronger for the

refusal; and if Virginia was anxious not to risk her tobacco and corn for the sake of Boston, New York, and Philadelphia, the Federalists for the most part hoped that the Northern cities might be induced to take care of themselves. Yet although the Federalists were not sorry to see the Pennsylvania Democrats ground under the heel of Virginia, they were surprised to find how rapidly the sectional spirit increased in the Southern States when slavery was in question. The debate on the abolition of the slave-trade startled Democrats and Federalists alike.

The paragraph in the President's Message which related to the slave-trade was regularly referred to a special committee. Peter Early of Georgia was chairman, while Thomas Mann Randolph of Virginia, John Campbell of Maryland, Thomas Keenan of North Carolina, and three Northern representatives completed the number. Early took the subject promptly in hand, and Dec. 15, 1806, reported a Bill, which was referred to the House in committee, and came up two days afterward for debate. The Bill declared the importation of negroes as slaves unlawful; imposed a fine on the importer, with forfeiture of ship and cargo; and authorized the President to employ the armed vessels of the United States in enforcing the law.

Under the Act which prescribed rules for forfeiture, the cargo of a forfeited vessel was to be sold on behalf of the United States government. The cargo of a slave-ship consisted in negroes. Under Early's

Bill, every negro imported thenceforth into the country became forfeit to the United States, and must be sold by the United States government to the highest bidder.

The Pennsylvania Democrats, imbued with Quaker principles in regard to slavery, could scarcely be expected to approve of a policy which made the government an owner and trader in slaves. The New Englanders, though the slave-trade had been to a great extent a Rhode Island interest, were little inclined to adopt a law under which any cargo of negroes that might be driven on their coast must be sold at public auction in the streets of Newport or Boston; and perhaps even some of the Southern members might have admitted that the chance of collusion between importers and buyers was a serious objection to the Bill. No one could suppose that such a measure would pass without strenuous opposition, and no one could have felt surprise at seeing Sloan of New Jersey immediately rise to offer an amendment providing that every forfeited negro should be entitled to freedom.¹

Upon this amendment a debate began which soon became hot. Early took the ground that without his provision for forfeiture and sale, the law would be ineffectual; that no man in the South would inform against the slave-dealer if his act were to turn loose a quantity of savage negroes on the public at large.

¹ *Annals of Congress*, 1806-1807, p. 168.

“We must either get rid of them or they of us; there is no alternative; and I leave it to gentlemen to be determined which course would be pursued. There can be no doubt on this head. I will speak out; it is not my practice to be mealy-mouthed on a subject of importance. Not one of them would be left alive in a year.”

The Southern members supported Early, and the Northern members knew not what to propose. The negroes could not be returned to Africa, because they were all brought from the interior, and the coast tribes would re-enslave or massacre them. Pennsylvania and Ohio were little more anxious than Virginia to receive such citizens. Binding them to masters for a term of years was suggested, but objections were made on both sides.

The debate was adjourned, resumed, adjourned again; and although the Northern speakers were forbearing, the Southern members more and more lost their temper.

“You have got into a great difficulty,” said David R. Williams of South Carolina;¹ “you are completely hobbled. It is so bad that you cannot go on, and you must stick where you are. Let me ask what is the usual conduct of legislatures on local subjects. Do they not inquire of those who are informed? Are they not guided by those who are competent to judge? The gentlemen from the South, who understand this subject, tell you how this business must be done; but the gentlemen over the way seem anxious now, as on a former occasion, to draw a revenue from the blood and sweat of the mis-

¹ Annals of Congress, 1806-1807, p. 183.

erable Africans. I will not say that this is their motive, but their conduct certainly justifies a suspicion that their object is to pass such a law as will connive at the continuance of the trade for the emoluments of their constituents."

The discussion was further embittered by a motion made by Smilie of Pennsylvania to make the importation of negroes a felony to be punished by death. This proposition called out another display of Early's frankness.

"We have been asked," said he,¹ "what punishment can be considered too severe for so atrocious a crime. Without answering the question in the abstract, it will be sufficient to answer it by a practical view of the subject. How do people consider the transaction? Do they consider it such an atrocious crime? They do not."

The Pennsylvania philanthropists had assumed that they could at least follow Jefferson in holding slavery to be an evil and the slave-trade to be a violation of human rights; but even these points were no longer conceded.

"All the people in the Southern States," continued Early, "are concerned in slavery. It is not, then, considered as criminal. . . . I will tell the truth, — a large majority of people in the Southern States do not consider slavery as even an evil."

The death-penalty was rejected by a vote of sixty-three to fifty-three, almost the whole Pennsylvania delegation voting in its favor. Bidwell of Massachu-

¹ *Annals of Congress, 1806-1807, p. 238.*

setts then moved an amendment, "that no person shall be sold as a slave by virtue of this Act;" and the House divided, sixty against sixty,¹ nearly all the Pennsylvanians supporting Bidwell, while ten of the seventeen New York members showed the influence of slavery in their State by voting with the Southern slave-owners. Six Southern men, including the member for Delaware, joined the Pennsylvanians and New Englanders in this protest against turning the government into a slave-trading agency; while but two Northern men besides the members from New York voted with the South. Macon, the Speaker, by his casting vote threw out the amendment.

Even after this point was carried, notwithstanding the time wasted in going over and over again the same arguments on either side, the Bill made no progress. Men like Sloan and Smilie were not gifted with great genius, but found infinite resources in their patient obstinacy; and no one could fail to see that the true sympathies of the House were with them. Their first object was to prevent the forfeiture of the negroes, because forfeiture implied title, and the United States government could have no title in these human beings, mere captives in war of barbarous tribes; but on that point the House was decidedly against them, and even Josiah Quincy insisted that they were wrong. Forced to yield on the issue of forfeiture, they resisted with the greater obstinacy the sale of the forfeited negroes; and their objections were so obviously sound

¹ Annals of Congress, 1806-1807, p. 267.

that in spite of adverse votes they held the Bill in suspense, and even secured its recommitment to a select committee of their own choice.

The Southerners, who insisted that their knowledge and experience should guide the House on a matter which they then preferred to consider local, chafed under the patient stolidity of Quaker conscientiousness, but submitted, rather in defiance than in conciliation, to throw the Bill into Northern hands. The recommitment was ordered Jan. 8, 1807, by a vote of 76 to 46; January 20 the new Bill was reported, and the struggle began again as at first. January 28 the Senate sent down a Bill of its own for the same purpose. The Senate debates during the session were not reported, and those of the House were reported only in part, and briefly; but by some means the Senate was persuaded to introduce one rigorous provision into its Bill, prohibiting the coastwise domestic slave-trade in vessels of less burden than forty tons, so that small craft found at sea with cargoes of slaves could not escape under pretence of being engaged in the domestic slave-trade. At best, the Bill could not be effective. The Southern members frankly said that they could frame no Bill likely to be executed, which would prevent slave-traders from smuggling negroes across the Florida boundary or from the West Indian Islands; but the prohibition of the coastwise transport of negroes in small vessels seemed necessary in order to maintain even a pretence of stopping the trade, and the Senate saw no objection to it.

The House hesitated painfully between Pennsylvanian and Virginian influence. Very rarely did the Pennsylvanians assert themselves, and they did so with great moderation; but they were conscientious men, and they had behind them not only the moral support of Jefferson, but also the steady influence of Secretary Gallatin, whose determined hostility to slavery and the slave-trade was proved at every moment of his public life. When, Feb. 9, 1807, the debate was resumed in Committee of the Whole, a majority began by voting in favor of the death-penalty. The next question rose on a new section in regard to forfeitures. The Pennsylvania Bill provided that the forfeited negroes should be indentured for a term of years in some free State or Territory. The proposition seemed reasonable in itself, and calculated to give no offence to the South; but Early declared that the inhabitants of the Southern States would resist this provision with their lives.¹ "We want no civil wars, no rebellions, no insurrections, no resistance to the authority of the government. Give effect, then, to this wish, and do not pass this Bill as it now stands."

Even Pennsylvania patience was disturbed by an outbreak so extravagant. Smilie, who was Irish by birth, obliged Early to take back and explain away his words; but the flash of temper answered its purpose,—Early carried his point. Throughout the struggle the Southern representatives took the ground

¹ Annals of Congress, 1806-1807, p. 477.

that the subject belonged to them; that they were well aware of the defects in the Bill; that they did not expect wholly to stop the trade, although they wished to do so; but that any stronger measure would revolt public opinion in the South, and would leave the trade open, because no one would venture to enforce the Act. Under such circumstances, seeing that in any case the trade would continue, the Pennsylvanians naturally argued that if only in order to assert a principle, the law should be made severe; but they were abandoned by the New Englanders, and beaten. Eleven of the Pennsylvanians clung to the death-penalty in spite of Quaker principles; while not only Barnabas Bidwell, but even Josiah Quincy deserted them. The House ended by leaving to each State the decision as to the fate of the forfeited negroes; and at length, February 13, weary of the interminable dispute, the House adopted the Senate Bill with some amendments.

Hitherto John Randolph had taken little part in the debate; he voted steadily with the Southern representatives, but his well-known antislavery theories kept him quiet. His silence did not last. The Senate disagreed to one of the amendments which had passed the House; a committee of conference reported, and the Bill came up again on their report. In a final debate the Southern members attacked the prohibition of the coastwise trade, the whole measure being thus in their eyes vitiated. Early declared that the Act would not prevent the introduction of

a single slave ; Randolph asserted that the coastwise prohibition touched the right of private property :¹ “ He feared lest, at a future period, it might be made the pretext of universal emancipation ; he had rather lose the Bill, he had rather lose all the Bills of the session, he had rather lose every Bill passed since the establishment of the government, than agree to the provision contained in this slave-bill. It went to blow up the Constitution in ruins.” He prophesied that if ever the time of disunion between the States should arrive, the line of severance would not be between Eastern and Western, but between slaveholding and non-slaveholding States. He said that if ever the time should come when the South should have to depend on the North for assistance against the slaves, he should despair. “ All he asked was that the North should remain neutral ; that it should not erect itself into an abolition society.” The vehemence of the Southern orators was in this instance natural, for the coastwise prohibition cut far more deeply into the constitutional rights of slave-owners than all the other provisions of the Bill which they had so obstinately and successfully resisted ; yet on the division they were beaten by the large majority of sixty-three to forty-nine. New York, which cared little for the slaves, cared less for the Constitution, and reversed its former vote. The Senate Bill, Feb. 26, 1807, was sent to the President.²

¹ Annals of Congress, 1806-1807, p. 626.

² Annals of Congress, 1806-1807, p. 635.

That Randolph and other States-rights Republicans should be deeply irritated was a matter of course. In their effort to tone the Bill to make it suit the opinions of slaveholding communities, they exhausted their strength and the public patience ; and they found a precedent slipped upon them, which would warrant almost any legislative interference with slavery. Randolph, alive to the bearings of all legislation which touched his class interests, at once introduced a Bill to explain and amend the Act. Josiah Quincy promptly moved its reference. The day was February 27, and in another week the Ninth Congress would expire. Randolph opposed the reference, and urged the immediate passage of his Bill, but was defeated by a vote of sixty to forty-nine. His Bill was referred to the House in committee ; it was even made an order for the next day, but it was never taken up.

Randolph declared the hope that should his Bill fail, the Virginia delegation would wait on the President and remonstrate against his signing the Act for Prohibiting the Slave Trade ; but no such step was taken, and March 2, 1807, President Jefferson approved this alarming measure. He at least had no constitutional scruples, and paid no attention to the scruples of others. The only result of the long sectional struggle was to disgust the Southern Republicans and their Pennsylvanian allies alike ; while, so far from obtaining a law which should suit Southern views of the slave-trade, their Act shocked the pride

and threatened the property of every slave-owner in the South.

The disasters of the Southern, or what was afterward known as the States-rights, party were largely due to temper. The habit of command, giving self-confidence and vigor of will, opened a boundless field for extravagances. The strength of men like Randolph and Early was their chief weakness; they had every sense except the sense of proportion. The mole-hill which tripped them seemed as serious an obstacle as the distant mountain range, where a false step would dash them to fragments; and when at last they reached the mountain range, with its impassable chasms, where temper was helpless, they saw in it only a mole-hill. That men like Sloan, the butt of the house, and like Smilie and Findley, the ordinary representatives of an intellectual mediocrity somewhat beneath the Pennsylvanian average, should habitually end in carrying their points, in singular and unexpected ways, against the ablest leaders of New England Federalism and the most gifted masters of Virginian oratory; that they should root up everything in their path, and end by giving to the whole country the characteristics of their own common-place existence, — was partly due, not to their energy or their talents, but to the contempt which their want of genius inspired. Not their own wisdom, but their antagonists' errors decided the result, and overthrew successively Church and State in New England and a slave-owning oligarchy

throughout half the continent. The Southern gentry could not learn patience. John Randolph, in many respects the most gifted man produced by the South in his generation, and certainly the one who most exaggerated the peculiar qualities and faults of his class, flung away the advantages of every success by attempting to punish his opponents, — as though the hare had stopped in his race to beat the tortoise with a whip. Punishment of Pennsylvania Democrats was waste of time and strength; sarcasm did not affect them; social contempt did not annihilate them; defeats made no impression upon them. They had no leaders and no well-defined policy, but they gravitated like inert weights to an equilibrium. What they wanted they were sure in the end to get.

Randolph's disappointment in regard to the slave-bill was but a single example of a law. After domineering over the House during the whole session, and impressing his own character upon its acts, he attempted at the end to coerce it into a quarrel with the Senate. A Bill for repealing the salt-tax and continuing the Mediterranean Fund was sent to the Senate, and the Senate sent it back with an amendment which reduced the duty on salt from twenty cents a bushel to twelve cents, without wholly abolishing it. Usage and courtesy required that a committee of conference should be appointed; but Randolph insisted that the House should abruptly adhere to its original Bill, and he carried his point by the large

majority of ninety-three to twenty.¹ The Senate accepted the challenge, and in its turn voted to adhere. The Bill was lost; and while the salt-tax continued in force, producing some five hundred thousand dollars, the Mediterranean Fund, producing one million two hundred thousand dollars, must expire by limitation. Congress reached this point February 26, the same day when the slave-bill was passed against Randolph's protest.

The Pennsylvania members allowed themselves to be drawn into this step; but they had hardly given their votes before waking to their mistake. The next day a committee was moved to reconsider the subject; and in spite of Randolph's remonstrances, the motion was carried by sixty to forty, every Pennsylvanian changing his vote. Randolph, exasperated to the last degree, attempted to block the measure by obstinacy. When the new Bill was taken up in committee of the whole House February 28, he consumed the day in dilatory motions, calling the yeas and nays until he could no longer induce one fifth of the members to support him in asking for them. The House sat until half-past one in the morning; and when at last the Bill came to a vote, Randolph and his friends left the House without a quorum.² After several counts, a quorum was reported, and the Bill was passed; but the yeas and nays were not taken, and many suspicions were ex-

¹ Annals of Congress, 1806-1807, p. 635.

² Diary of J. Q. Adams, i. 464.

pressed that a quorum was not actually present. Nevertheless the Pennsylvanians won their victory; the Bill became law at the last moment of the session. Randolph's conduct ended in destroying his own influence; and the Pennsylvanians felt that the time had come when an alliance with the Democrats of New England against the oligarchy of Virginia could no longer be postponed.

This was the situation at Washington when, on the last day of the Ninth Congress, a messenger arrived from England bringing from Monroe and Pinkney a treaty of commerce. The President's attempt to unite his party on a liberal domestic policy had not succeeded; and many years were to pass before Congress should see another session devoted to domestic affairs.

CHAPTER XVI.

WHILE the summer of 1806 was passing in America, carrying Burr and his insane projects to failure, General Armstrong in Paris was watching the progress of another adventurer, whose plans were as dark as those of Burr, but whose genius was of a very different order. Talleyrand's mysterious instructions regarding Florida were given to Armstrong early in September, 1805. Ulm capitulated October 17; the battle of Trafalgar was fought October 21. Napoleon was thenceforward master of the Continent, and England of the ocean. December 2 Napoleon won the decisive battle of Austerlitz, and December 26 he signed the treaty of Pressburg which humbled Austria.

The wit of man often lagged behind the active movement of the world; but never had diplomatists a harder task than to keep abreast of Napoleon. Other men had moments of repose; but Napoleon's mind seemed never to rest. His schemes were developed, and swept over Europe like so many storm-centres. His plans sometimes succeeded and sometimes failed, but the success or the failure equally implied a greater effort behind; and while Armstrong and his brother

diplomatists speculated about the Emperor's motives in pursuing one object, the Emperor was already devising and using new machinery for gaining another. At the close of the war with Austria, Armstrong needed to learn whether Napoleon still wanted money, whether Talleyrand favored the sale of Florida, whether the treaty of Pressburg had or had not left American affairs where they were ; and none of these questions could be answered except by Napoleon himself, who was already far advanced in schemes which no one could fathom, and which largely depended for their success on the skill with which he could conceal them from Jefferson.

Armstrong could only wait. Through the winter of 1805-1806, while John Randolph's opposition delayed Madison's instructions to the minister at Paris, Armstrong had nothing to do. The Emperor and Talleyrand returned to Paris at midnight Jan. 26, 1806. More powerful than ever and more absolute, Napoleon came back from Vienna rich with the contributions he had levied in Germany, but angry at the condition into which Marbois had brought the Treasury of France. Within twelve hours after arriving at the Tuileries he called a council of his ministers, disgraced Marbois, and appointed Mollien in his place.

That this revolution in the Cabinet had some bearing upon American interests was more than likely ; for not only was Marbois an honest man and a warm friend of the United States, but the weight that

dragged him down was nothing less than the weight of Spanish finances. The story may be shortly told.¹ Napoleon's wars and repudiation of every inconvenient debt threw the French mercantile class into general bankruptcy. In the want of coin to supply the demands of the Emperor and of the merchants, the Bank of France issued dangerous amounts of paper money. To support these issues specie had to be obtained; and the empire which produced specie was Spain. Spain might be forced to give up her treasures; her arrears of subsidy alone would if paid add greatly to Marbois's resources. Yet the treasures of Spain were shut in Mexico and Peru; they could be brought to Europe only under danger of capture; and a means by which ten or twenty million Mexican dollars could run the gauntlet of British cruisers and reach in safety the Bank of France was a matter of necessity to Marbois.

The ordinary business of the Treasury in discounts and contracts was conducted through a firm called the "*Négociants réunis*," consisting of three capitalists, — Messrs. Ouvrard, Desprez, and Vanlerberghe. Ouvrard, the most active of the three, went to Madrid; and by lending assistance to the sorely pressed Treasury and trade of Spain induced the Spanish government to give him the privilege of importing bullion from Mexico at the rate of seventy-five cents on the dollar. The risk of importation was worth twenty-five per cent on any cargo; but Ouvrard meant to

¹ Thiers, *Consulat et Empire*, vi. 30.

escape all risk. He had plans of his own, involving partnership with the British government itself through the Hopes and Barings of Amsterdam and London; he proposed to draw some five million dollars from Mexico by giving to the United States government drafts on South America in settlement of the Spanish spoliations, besides getting no less than ten million dollars from the United States government for the Floridas.

The unnamed negotiator who came to Armstrong in September, 1805, with Talleyrand's autograph instructions was an agent of Marbois and Ouvrard, whose errand was doubtless known to the Emperor. Meanwhile the Treasury, the Bank, and the "*Négociants réunis*" supported each other by loans, discounts, and indorsements, largely resting on Spanish bonds, and made face as well as they could against commercial embarrassments and Napoleon's arbitrary calls for great sums of coin; but the Treasury, being in truth the only solvent member of the partnership, must ultimately be responsible for the entire loss whenever matters should come to liquidation.

This was the state of the finances when, Jan. 27, 1806, Napoleon called Marbois and Ouvrard before him. No one charged criminality on any of the parties to the affair. In truth one person alone was to blame, and that person was the Emperor himself; but men who served such masters were always in the wrong,—and in fact Marbois, Ouvrard, Desprez, and Vanlerberghe accepted their fate. Marbois was dis-

graced; while the three others were obliged to surrender all their property under the alternative of going to Vincennes, with its memories of the Duc d'Enghien.

The dismissal of Marbois and the ruin of Ouvrard had no immediate effect on the Florida negotiation. So far from discouraging Armstrong's hopes, they seemed at first likely to bring about some arbitrary decision, after the Emperor's well-known style of settling questions in which he had an interest. In the middle of February Armstrong wrote in some alarm to Madison:¹ —

“All the points in controversy between his Catholic Majesty and the United States were submitted on the 14th instant to this Government by the Spanish ambassador, with an order from his Court to solicit the immediate interposition of the Emperor and King. That his Majesty will take upon himself the mediation is not to be questioned; but the form he may think proper to give to it is a point equally doubtful and important. Should this movement on the part of Spain have been spontaneous, growing merely out of her own policy and feelings, there is reason to believe that I may be able to prevent any sudden and unfavorable determination from being taken; but if, on the other hand, it should have been either dictated or invited by this Cabinet, the presumption is strong that the decision is already taken, and will present only the alternative, — submission or hostility. Of the two conjectures, the latter is the more probable.”

¹ Armstrong to Madison, Feb. 17, 1806; MSS. State Department Archives.

For the moment, while Napoleon was struggling with the confusion of his finances, he held Florida in reserve as a resource for extremity. Armstrong was officially or semi-officially told that the Emperor supposed the whole matter of the Spanish-American dispute to be regularly before him by consent of both parties.¹ He had another long interview with his unnamed negotiator, who pressed him to accept Spanish drafts on South America in payment of the claims for Spanish spoliations, and who argued with much obstinacy that Florida was well worth ten million dollars to the United States.

During all this time Armstrong had heard not a word from his Government. While the minister was listening to these whispers of imperial policy at Paris, Madison had but begun to write the long-delayed instructions which were in effect an acceptance of Talleyrand's proffered terms. The long-delayed "Two-Million Act" received the President's signature Feb. 13, 1806; but not until March 13 did Madison sign the instructions which contained the project of a convention.² This despatch was accompanied by another of March 15, which contained an explanation of the Miranda affair and long complaints of Yrujo's conduct. The law prohibiting trade with St. Domingo, "although it must be understood to have proceeded

¹ Armstrong to Madison, March 9, 1806; MSS. State Department Archives.

² Madison to Armstrong and Bowdoin, March 13, 1806; MSS. State Department Archives.

. . . not from any rightful requisition on the part of France, and still less from a manner of pressing it which might have justly had a contrary tendency," was enclosed in the despatch, with instructions to sound the French government in the hope of inducing Napoleon to lay aside his objections to the traffic.

The packet sailed at once; and after a voyage of the usual length arrived in France in time to bring the despatches, May 1, to Armstrong's hands. No apparent change had then taken place in the Emperor's plans; but during the three months of labor since his return from Austria he had succeeded in restoring order to his finances and was richer than ever before. The Spanish government sent to Paris a certain Señor Izquierdo as special agent to make a financial arrangement with Napoleon; and through him much business was done unknown to the department over which Talleyrand presided. In short the situation had changed, although no one, even among the Emperor's immediate household, knew what had taken place.

In pursuance of the secret memorandum in Talleyrand's handwriting, Armstrong, May 1, sent a note to the Foreign Office in the language of his instructions. Talleyrand acted promptly; May 2 he carried Armstrong's note to Napoleon's closet.¹ Without discussing the matter the Emperor said: "I have some papers in relation to that business which you have not

¹ Armstrong to Madison (private), May 4, 1806; MSS. State Department Archives.

seen." The next day these papers were given to him. They consisted in maps and charts of the Floridas, with many arguments to prove their military and naval importance to Spain, and a formal declaration from Don Carlos IV. that on no account would he consent to alienate them either by sale or otherwise.

Talleyrand immediately sent for the American minister and told him what had occurred. Only a few weeks before, with equal appearance of seriousness, Armstrong had been assured that the whole matter was in the Emperor's hands by the request of the Spanish government. May 3 he was suddenly told that King Charles would on no account consent to alienate Florida. If the first story were true the second must be false. Armstrong hinted as much. "Though I have not seen the overture on paper," said he, "yet I am not the less assured that it had existence; and if I have not been much deceived, it may at this moment be found in the portfolio of M. Ouvrard."

"That may be," replied Talleyrand; "but it is not the less true that circumstances have produced an entire change in the dispositions of Spain." Then, as though to protect himself from the charge of deception by making a counter-charge against Armstrong, he suddenly hinted that Armstrong's own conduct had much to do with alarming the pride of Spain.

"Do you know," said he, "that Mr. Erving has communicated to the Prince of Peace the confidential propo-

sitions of which you were made the depositary last summer, and that they were derived from Mr. Bowdoin, as it would appear for the express purpose of being so communicated?"

At this unexpected shock, coming instantly after the other, Armstrong was thunderstruck.

"You may readily imagine my confusion and astonishment at this discovery," he continued in his narrative to Madison. "I had confided the propositions to Mr. Bowdoin under the most solemn injunctions of secrecy. . . . Could I believe that a man to whom his country has committed so high an office could so flagrantly violate a trust so sacred?"

His anger was diverted from Talleyrand to his colleague; but in spite of this successful diversion, one might suppose Armstrong capable, even in anger, of seeing that Talleyrand's story was not altogether clear, — that he was trying to distract attention from his own failures.

The more closely Ouvrard's scheme was brought to light, the more clearly it seemed to take the form of an intrigue or a job. The notorious corruption that surrounded Talleyrand explained the favor shown it by the French Foreign Office; but neither the Emperor of France nor the King of Spain was ruled in such matters by subordinates, and Armstrong began to feel the error of making his own Government the instrument of Ouvrard's speculations. Too deeply involved to draw back he took refuge in caution, and said even to the Secretary of State as little as he

could. Above all, he avoided reference to possible corruption involved in the bargain. His colleague Bowdoin, whose garrulity had already annoyed him, did not imitate Armstrong's reticence, but wrote to the President the facts which Jefferson least cared to know. The profits on the Louisiana stock, he said,¹ had stimulated jobbery; fifteen per cent discount on one million seven hundred and ten thousand dollars had been divided among the individuals concerned. The two Floridas were offered by Daniel Parker, agent of the Hopes in Amsterdam, who came with a letter of recommendation from Labouchere, Sir Francis Baring's son-in-law, and who held or pretended to hold powers of transfer from the Prince of Peace. The highest point to which the propositions could be traced was to one Cazeneuve, Parker's friend, who lived in Talleyrand's house. Some time afterward Bowdoin added² that a new negotiator had appeared, — a former private secretary to Talleyrand, — a M. Dautremont, who came to Skipwith, the American consul at Paris, and after explaining that the X. Y. Z. business and the jealousy of the American government had caused much uneasiness in matters of this delicate nature, suggested that other means less exposed than money to observation might be devised. He thought well of land-grants to Talleyrand's brother, in which Skipwith might take a share.

With so many different persons and interests in-

¹ Bowdoin to Jefferson, May 20, 1806; Jefferson MSS.

² Bowdoin to Jefferson, Oct. 20, 1806; Jefferson MSS.

volved in the Floridas and the claims, Armstrong might feel confident that a single rebuff from the Emperor would not end the matter. After a few weeks Talleyrand quietly instigated the American minister to renew his request, which was done by a note of May 25;¹ and May 28 Armstrong received in reply an official assurance of "his Majesty's wishes to see the controversy amicably terminated, and his readiness to lend himself to that object." Talleyrand was not only in earnest but in haste; for on the same day, May 28, he wrote to M. de Vandeul, who was in charge of the French embassy at Madrid, a cautious letter of instructions. The United States government, he said,² seemed disposed to renew negotiations with Spain. He ran over the points in dispute, and sketched the outlines of an arrangement, including the cession of West Florida.

"You will have, sir, to express no official opinion on this point," he said. "I need only tell you, in order that you may make use of it in your conversations, that this part of the Floridas must be warmly desired by the Americans, because it closes the mouths of several rivers which have a great part of their course within the United States. Under another Power Florida, so situated, can intercept American commerce; and since the Province is thinly populated and very accessible by land, it is to be presumed that the United States would seize the first

¹ Armstrong to Madison, Oct. 10, 1806; MSS. State Department Archives.

² Talleyrand to Vandeul, May 21, 1806; Archives. des Aff. Étr., MSS.

pretext for invasion. If Spain is not bent on preserving this colony, she may listen to the American propositions; and all that she would have to remark in making this arrangement is that West Florida, which brings very little revenue to her, would be a much more valuable possession for the United States."

Vandeul was intimate with G. W. Erving, the American *chargé* at Madrid; and with friendly zeal he entered into the negotiation. Taking Talleyrand's despatch and Armstrong's note, a copy of which was inclosed for his guidance, he went to the Prince of Peace, with whom he had a long conversation June 18, 1806.

"To tell your Excellency the truth," he wrote the next day to Talleyrand,¹ "I ought to inform you that the Prince of Peace appears to me to hold pronounced opinions excessively opposed to the conciliatory views which I should have wished to find in him. Nevertheless I did my best to bring him to less passionate ideas, and asked him whether he did not think it a matter of general interest that the old relations should be restored between Spain and the United States, even admitting (for this is one of the Prince's allegations) that they were only suspended for the moment as to official forms. He answered me that this state of things was in no way prejudicial to the interests of the two countries; that commerce continued between them under the safeguard of reciprocal good faith; and that this mode of existence might last a long time without disquieting Spain."

¹ Vandeul to Talleyrand, June 19, 1806; Archives des Aff. Étr., MSS.

Vandeul was obliged to urge the Emperor's wish for a reconciliation and the advance made by Armstrong at Paris. Thereupon Godoy suddenly changed his tone. "At bottom," said he, "we are quite ready to see where they want to come out; you may assure your Court of that." Vandeul thanked him, and added that he hoped the Prince would be pleased to have the matter negotiated at Paris. "Well, granted again!" answered Godoy; "I see no inconvenience in consenting to that." "Your Excellency authorizes me to inform M. de Talleyrand by my first despatch?" "By your first despatch."

Greatly pleased at his success, Vandeul immediately wrote to Talleyrand. A few days afterward he returned to the Prince of Peace, and in a long interview undertook to dispose of the whole subject.¹ Godoy objected chiefly that as yet no official representation had been made on which the Government of Spain could act. Vandeul urged that Armstrong's note and Talleyrand's instructions were sufficient proof that the Americans had changed their tone and system. In his earnestness he insisted upon expressing his opinion on all the points in dispute, including the cession of West Florida.

"Then the Prince gave way entirely to the accession that I asked; and in a manner that I found not only open, but even friendly, told me to renew to you what he had previously authorized me to write to you, and to add

¹ Vandeul to Talleyrand, June 23, 1806; Archives des Aff. Étr., MSS.

that ministerial measures should decidedly be taken for a suitable expression of the intentions of the Spanish Court both to your Highness and to the American ministers, with views of conciliation and definite arrangement, in the dispute with the United States."

Vandeul was convinced that the Prince spoke the truth, and he hurried to tell Erving. The American *chargé*, though far from friendly to Spain, believed that Godoy was honest; and he hastened to notify Armstrong. Armstrong had no doubt that all was well, and lost no time in consulting Talleyrand, who had every motive to feel sure of success. The Spanish imbroglio seemed on the verge of a friendly settlement.

Suddenly occurred one of the scenes of melodrama to which the Emperor's servants were accustomed. When Talleyrand brought Vandeul's despatch to his master, Napoleon broke into a passion. Rebuking Talleyrand sharply for having pressed the matter in its first stages, he threatened to degrade and punish Vandeul; and he ordered Talleyrand not only to reprimand his subordinate in the severest manner, but himself to meddle no more with the subject.¹ His orders were instantly followed with the blind obedience which marked the Emperor's service. Vandeul was still congratulating himself on his success, and waiting for a letter of approval from Paris, when a despatch arrived which shivered his diplo-

¹ Armstrong to Madison, Oct. 10, 1806; MSS. State Department Archives.

matic triumph. Without a word of explanation, Talleyrand administered the reproof he had been ordered to give. Vandeul was told that he had gone altogether beyond his instructions :¹ —

“ To cause the negotiations of these two Governments to be opened under his Majesty’s eyes would be to associate him in all their quarrels and to render him more or less responsible for the results. He will see with pleasure the return of a good understanding between the two countries ; but they alone can judge what means of reconciliation suit their respective interests.”

A few days afterward came another and sharper reprimand :² —

“ In demanding that the negotiation should take place at Paris, in making overtures to the United States minister while he has not even received instructions from his Government, in leading the Prince of Peace to believe that everything would be done under the mediation of France, — you exceed the instructions marked out for you ; and such is the effect of one false step, that it inevitably draws others after it before the system which has been forsaken can be resumed. That Spain and the United States should seek a reconciliation is to be desired ; but leave to them the opening of negotiation, and take only such steps as are marked out for you, — such are his Majesty’s orders. The United States and Spain will communicate their intentions to each other. You cannot charge yourself with the always embarrassing

¹ Talleyrand to Vandeul, July 3, 1806 ; Archives des Aff. Étr., MSS.

² Talleyrand to Vandeul, July 12, 1806 ; Archives des Aff. Étr., MSS.

functions of an intermediary without being formally authorized to do it; for the Government alone can know whether this step is consistent with its interests of the moment and with the general plan it has formed for itself."

That the words of this despatch were taken from the Emperor's lips is more than likely. Talleyrand's notes always repeated as nearly as possible the exact expressions of his master; and the expressions of this note were Napoleonic even in their confusion of facts and ideas. Above all, the concluding sentence, which was probably as mysterious to Talleyrand as to the Americans, marked the proceeding with the peculiar stamp of Napoleon's mind. No one but himself should judge whether the cession of Florida was "consistent with his interests of the moment and with the general plan he had formed for himself." Probably for the first time, July 12, 1806, Talleyrand learned that Napoleon had a general plan which was inconsistent with complete reconciliation between Spain and the United States: yet he could no longer doubt that the same general plan had controlled the Emperor's conduct at least as far back as May 1. From this reticence he might infer that his own fall approached. Another proof that his credit waned came in a form more gracious, but not less convincing. Napoleon conferred on him an Italian principality. The Ex-Bishop of Autun became Prince of Benevento.

Had Armstrong been allowed to know every de-

tail of this transaction, he could not have penetrated Napoleon's secret; but for weeks he was kept in dense ignorance. Aware that the Prince of Peace had consented to negotiate, informed that Izquierdo had received powers and was authorized to proceed, Armstrong still found an invisible barrier across his path,—frivolous difficulties of form and unmeaning references to Madrid,—which no effort of his could remove. At a hint from Talleyrand he went to Marshal Duroc, a man of high character and abilities, who stood as near as the nearest to the Emperor, and who was conducting with Izquierdo the Spanish negotiations which Napoleon had taken from Talleyrand. Duroc seemed well disposed toward America; and through him Armstrong succeeded in putting into Napoleon's hands the project of a treaty between the United States and Spain. After reading it attentively, the Emperor quietly returned it, without a word.

Foiled again by this impenetrable mystery, Armstrong dreamed of forcing the Emperor's hand. He could at least, by an official note, compel Talleyrand and Izquierdo either to act or to explain their inaction; but from this step he was dissuaded by Talleyrand and Duroc, who reasoned that precipitancy might do harm, but could do no good.

Meanwhile Talleyrand wrote a despatch¹ to Turreau at Washington; and if Turreau understood its

¹ Talleyrand to Turreau, July 31, 1806; Archives des Aff. Étr., MSS.

meaning, his insight was clearer than that of the Prince of Benevento himself. The tone of this instruction varied between a caress and a threat; but the threat came last, and was most significant:—

“His Majesty would be pained to remark that the United States, to whose prosperity France has at all times contributed,—that Spain, in whom she takes a like interest,—should revive in America quarrels that are beginning to slumber in Europe. The United States, which owe their fortune to commerce, are interested in peace; they have reason to wish it with their neighbors; and if, comparing their force with that of a colony, they can promise themselves success at first, they can also bear in mind (*reconnaître*) that the colonies are not alone, and that Europe has always gone to their aid. Take care, sir, to maintain the United States in the views of conciliation with which the news of the events of the last campaign may have inspired them. A sense of their true interests would suffice to make them true to this disposition, even though they had not bound themselves to it by the demand they have made on his Majesty the Emperor to intervene in their discussions with Spain, and to employ his good offices for the re-establishment of a perfect harmony between the two Powers. His Majesty, without putting himself forward as mediator in circumstances where other interests, which directly concern his empire, ought to fix his whole attention, will regard whatever the United States and Spain may do toward a reconciliation as an evidence of friendship toward himself.”

Sept. 25, 1806, the Emperor returned to Germany to begin a war with Prussia which was to lead him

far. His departure put an end to whatever hopes Armstrong still cherished, while it left the United States in a mortifying attitude. After having been defied by Spain, Jefferson found himself deluded by France. No imagination could conceive the purpose for which Napoleon meant to use the United States government; but that he had some scheme, to which President Jefferson must be made subservient, was clear. Armstrong tried in vain to penetrate the mystery. Whatever it might be, it was as yet hidden in the recesses of Napoleon's mind.

No sooner had the Emperor left Paris than the American minister, September 30, wrote a note of inquiry to Izquierdo, who replied in substance that his powers had been suspended or recalled. Nothing remained but for Armstrong to inform the President of all the facts connected with the failure of his negotiation, and then to wait at Paris, with what patience he could command, for the moment when Napoleon should consent to reveal the meaning of these mysterious manœuvres. Yet in diplomacy as in war, nations were commonly lost when they allowed Napoleon to take the initiative, and to choose his own time and place for attack. The United States government had every reason to be on its guard.

Napoleon reached the battle-field of Jena Oct. 14, 1806, and crushed the Prussian army. October 27 the conquering French battalions made a triumphal entry into Berlin. November 25,—the day so frequently occurring in the story of Burr's conspiracy,

when Jefferson received General Wilkinson's despatch, and when Wilkinson himself reached New Orleans,—the Emperor Napoleon left Berlin for Poland and Russia. Before leaving Berlin he signed a paper destined to become famous throughout the world under the name of the Berlin Decree. This extraordinary mandate, bearing the date of Nov. 21, 1806, began by charging that England disregarded the law of nations. She made non-combatants prisoners of war; confiscated private property; blockaded unfortified harbors and mouths of rivers, and considered places as blockaded though she had not a single ship before them,—even whole coasts and empires. This monstrous abuse of the right of blockade had no other object than to raise the commerce and industry of England on the ruin of the commerce and industry of the Continent, and gave a natural right to use against her the same weapons and methods of warfare. Therefore, until England should recognize and correct these violations of law, it was decreed — (1) That the British Isles were in a state of blockade; (2) That all intercourse with them was prohibited; (3) That every Englishman found within French authority was a prisoner of war; (4) That all British property, private as well as public, was prize of war; (5) That all merchandise coming from England was prize of war; (6) That half the product of such confiscations should be employed to indemnify merchants whose property had been captured by British cruisers; (7) That no ship coming from

England or her colonies should be admitted into any port; (8) That every vessel trying to elude this rule by means of false papers should be confiscated.

This decree, which cut the roots of neutral rights and of American commerce with Europe, was published at Paris in the "Moniteur" of Dec. 5, 1806. At the same time news arrived that Hamburg, and nearly all the north coast of Germany along the German Ocean and the Baltic, had fallen into Napoleon's hands, or was certain soon to become his prey. When Armstrong, watching with keen interest the rapid progress of French arms, took up the "Moniteur" which contained the Berlin Decree, he might well have started to his feet with the cry that at last he understood what the Emperor would be at. A part of the enigma which had perplexed diplomacy was explained, and what was not yet revealed might vaguely be divined.

December 10 Armstrong wrote to Decrès, the Minister of Marine, to ask of him, in Talleyrand's absence, an explanation of the decree. For some days no answer was received. "Much is said here," he wrote to Madison, "of qualifications which are to be given to the *arrêté* of November 20 [21], and which would indeed make it very harmless; but these are rather to be hoped for than believed in." When Decrès' reply arrived, dated December 24, it went far to confirm Armstrong's fears, by avoiding decisive and official explanation.¹

¹ Armstrong to Madison, Dec. 24, 1806; State Papers ii. 805.

“ I consider the imperial decree of the 21st of November last,” wrote Decrès, “ as thus far conveying no modification of the regulations at present observed in France with regard to neutral navigators, nor consequently of the convention of Sept. 30, 1800, with the United States of America ; . . . but it will be proper that your Excellency should communicate with the Minister of Exterior Relations as to what concerns the correspondence of citizens of the United States with England. . . . It will not escape General Armstrong that my answers cannot have the development which they would receive from the Minister of Exterior Relations, and that it is naturally to him that he ought to address himself for these explanations, which I am very happy to give him, because he wishes them, but upon which I have much less positive information than the Prince of Benevento.”

With this explanation, such as it was, Armstrong was obliged to content himself ; and the year 1806 closed, leaving President Jefferson at the mercy of battles soon to be fought in the most distant corner of Germany, where the Emperor Alexander of Russia was gathering his forces for a conflict more terrible than Europe had yet seen.

CHAPTER XVII.

WHILE Armstrong coped with Napoleon in Paris, Monroe enjoyed a brief moment of sunshine on the other side of the Channel. After his diplomatic disasters he might think himself happy, though he only threw from his own shoulders upon those of Armstrong and Bowdoin the Florida negotiation which had thus far injured the reputation of every man connected with it; but he had double cause of rejoicing. He not only escaped from Talleyrand and Godoy, but also from William Pitt, whose body he saw carried amidst the pompous mournings of London in funeral state to Westminster Abbey, and left in solemn grandeur by the side of his great father. Pitt died Jan. 23, 1806, exhausted by the anxieties of office.

At last Fortune smiled upon Monroe with caresses more winning than any she had shown since her last sudden appearance before his eyes under the outward semblance of Barbé Marbois in Livingston's garden on the Boulevard Montmartre. Old King George, knowing no Tory competent to succeed Pitt or capable of controlling Parliament, summoned Lord Grenville and submitted to Charles James Fox. Grenville became First Lord of the Treasury; Fox took charge of

the Foreign Office ; Erskine became Lord Chancellor ; Sidmouth, Lord Privy Seal. The union of different party chiefs was so general as to give the Ministry the nickname of All the Talents. By February 7 the revolution was completed.

Monroe was greatly pleased, as well he might be, for his position in England had been hitherto far from comfortable. To soothe the Tories, — who were prejudiced against him not only as American minister, but also as having when minister to France actively sympathized with the French Directory in hostility to England, — Monroe had thought himself obliged to shun the society of the Whigs, and had been restricted to such social relations as Pitt's friends would supply, which under the best of circumstances were neither extensive nor amusing. Fox made amends for this self-denial. His statesmanship was broad and liberal, his manners charming, and he had the quality, most rare in politics, of entire frankness and truthfulness. In a few days Monroe wrote home that he had enjoyed his first interview with the new secretary, "who in half an hour put me more at my ease than I have ever felt with any person in office since I have been in England."¹ Fox said little, but held out hopes ; and Monroe had so long been left without even hope to nourish him that he gladly fed upon the unaccustomed diet. Nevertheless, more than a month passed before he ventured

¹ Monroe to Madison, Feb. 12, 1806; MSS. State Department Archives.

to make formal application¹ for an order to suspend the seizure and condemnation of American vessels under the rule established by Pitt and Sir William Scott. At length, April 17, at the Queen's drawing-room Fox took the American minister aside and announced himself ready to begin negotiation, and to pursue it without delay till it should be concluded.² He said that no trouble need be feared about the colonial trade, but that there would be objections to making payments for property already taken; meanwhile the seizures and condemnations were to be stopped.

The 1st of May arrived. Three months had passed since the new Ministry took office, yet nothing had been publicly done to satisfy the United States. The reason was well known. Fox was obliged to overcome many kinds of opposition both in and out of the Cabinet. The West Indian colonies, the royal navy, the mercantile shipping interest, the Tory country gentlemen, and the Court were all opposed to concessions, and only the Treasury favored them. To increase Fox's difficulties, news began to arrive from the United States of the debate in Congress on the Non-importation Act, of the loose talk of Congressmen and the vaporings of the press; and to crown all came the story that the mob of New York had taken the punishment of Pierce's manslaughter into its own hands. The English people honestly

¹ Monroe to Madison, April 3, 1806; State Papers, iii. 115.

² Monroe to Madison, April 18, 1806; State Papers, iii. 116.

believed the Americans to be cheating them in the matter of the colonial trade; they suspected that their Yankee cousins were shrewd, and they could plainly see that Jefferson and Congress were trying to hide behind the shadow of Napoleon. Non-importation and commercial restriction had no other object than to give England the alternative of surrendering either to France or to America what she believed to be the price of her existence without the chance of fighting for it. Two thirds of the British people understood the Non-importation Act as a threat,—as though the Americans said, “Surrender to us your commerce and your shipping, or surrender your liberties to France.”

Whatever were the faults or sins of England, they were at least such as Americans could understand. Her Government was guided, as a rule, by interests which were public, permanent, and easily measured. The weight of interests which had driven Pitt into his assault on American commerce was not lessened by the death of Pitt or by the return of Lord Grenville to power. On every side Fox found these interests active in opposition and earnest in pressing arguments against concession. Englishmen were used to giving and receiving hard blows. Seldom long at peace, they had won whatever was theirs by creating a national character in which personal courage was as marked a quality as selfishness; for in their situation no other than a somewhat brutal energy could have secured success. They knew what to think of war,

and could measure with some approach to exactness its probable costs and returns, but they were quite unused to being conquered by peace; and they listened with as much contempt as anger to the American theory that England must surrender at discretion if Americans should refuse any longer to buy wool-len shirts and tin kettles. Englishmen asked only whether America would fight, and they took some pains to make inquiries on that point; but it happened that of all the points in question this, which to Englishmen was alone decisive, could be answered in a syllable: No! America would not fight. The President, Congress, the press of both parties in the United States agreed only in this particular. John Randolph's speech on Gregg's Resolution was reprinted in London with a long preface by James Stephen, and proved conclusively that America would submit. Merry came as near to a laugh as his gravity would permit in expressing his contempt for the idea of war, and in urging his Government to resent the Non-importation Act; and although Fox probably thought poorly of Merry's judgment, he could not but show his despatches to the Cabinet if the Cabinet wished to read them. After the slaughter of Pierce, when the Federalist newspapers in New York and the irresponsible mob of seamen clamored for warlike measures, the only effect of the outcry upon England was to stimulate the anti-American prejudice and to embarrass the well-meant efforts of Fox, until his chief newspaper, the "Morning Chronicle," in a

moment of irritation plainly told the Americans that they were much mistaken if they thought a war would be so very unpopular in England; and if they knew this, they would not hector or bully so much. Even the powerful interests directly engaged in trade with the United States made no attempt to protect themselves; they did not see that the British nation was ready and eager to cut its own throat in its desperate anxiety to save its own life. The contest with France had made all Europe violent and brutal; but England could boast that at the sound of British cannon the chaos had become order, that the ocean had been divided from the land, and as far as the ocean went, that her fleets made law. Two Powers only remained to be considered by Great Britain,—Russia and the United States. Napoleon showed an evident intention to take charge of the one; England thought herself well able to give law to the other.

Against such public inclination toward measures of force Fox struggled as he could, without united support even in the Cabinet. Men like Lord Sidmouth were little inclined to risk the fate of the new Administration by concessions to America; and the Tories, led by Canning and Spencer Perceval, profited by every English prejudice in order to recover their control of the government. Fox could carry his point only by adopting half-measures. Instead of procuring a new judicial decision or issuing an Order in Council, as had been done in previous times, for replacing American commerce in its old privileges, he

caused Government to adopt a measure intended to produce the same effect, but resting on a principle quite as objectionable to Americans as the Rule of 1756 itself had ever been. May 16, 1806, the ministers of neutral Powers were notified that the King had ordered a blockade of the whole French and German coast from Brest to the river Elbe, but that this blockade was to be strict and rigorous only between Ostend and the Seine; while elsewhere neutral ships should not be liable to seizure in entering or leaving the blockaded ports except under the usual conditions which made them seizable in any case. Under this blockade an American ship laden in New York with sugar, the product of French or Spanish colonies, might sail in safety for Amsterdam or Hamburg. Monroe wrote: ¹ "It seems clearly to put an end to further seizures on the principle which has been heretofore in contestation."

English statutes, like English law, often showed peculiar ingenuity in inventing *a posteriori* methods of reaching their ends; but no such device could be less satisfactory than that of inventing a fictitious blockade in order to get rid of a commercial prohibition. Interminable disputes arose in the course of the next few years in regard to the objects and legality of this measure, which came to be known as Fox's blockade, and as such became a point of honor with England; but its chief interest was its reflection of the English mind. To correct a dangerous principle by

¹ Monroe to Madison, May 17, 1806; State Papers, iii. 124.

setting an equally dangerous precedent; to concede one point by implication, and in doing so to assert another not less disputed; to admit a right by appearing to deny it; and to encourage commerce under the pretence of forbidding it,—was but admitting that the British government aimed at illegitimate objects. America had always contested the legality of paper blockades as emphatically as she had contested the Rule of 1756, and could no more submit to the one than to the other, although in this case the paper blockade was invented in order to conciliate and satisfy her. The measure was intended for a temporary expedient pending negotiation; yet such was the condition of England that Fox's blockade became six years afterward one of the chief pretexts under which the two countries entered upon a war.

Another fortnight elapsed, but Monroe made no further progress. Whenever he saw Fox the subjects in dispute were discussed; but news arrived that the Non-importation Act had passed both Houses of Congress, and the difficulty of obtaining favors was increased by the attempt at compulsion. Fox showed less and less willingness to concede principles, although he did not, as Monroe feared, declare that the Act relieved him from any promises he might have made or from the fulfilment of any hopes he might have held out. Thus the matter stood, balanced almost equally between opposite chances, when, May 31, 1806, news arrived from America that Monroe's powers were superseded by the appointment of a special mission, in

which he was to be associated with William Pinkney of Maryland.

The blow to Monroe's pride was great, and shook his faith in the friendship of Jefferson and Madison. Three years had elapsed since he had himself been sent abroad to share Livingston's negotiations, and he had the best reason to know how easily the last comer could carry away the prizes of popularity. The nomination of a colleague warned him that he had lost influence at home, and that Jefferson, however well disposed, no longer depended on him. This was in substance the truth; but other and graver troubles were revealed in part to Monroe's eyes when William Pinkney arrived in London June 24, bringing with him the new instructions which were to become the foundation of the treaty.

These instructions¹ began by treating the Non-importation Act as at once a domestic and a foreign regulation, a pacific and a hostile act, a measure with which England had no right to be angry, and one which was calculated to anger her, — strictly amicable and at the same time sharply coercive. After this preamble, in which the threat was clearer than the explanation, followed an order precluding the possibility of successful negotiation. Monroe was to begin by imposing an ultimatum. The British government must expressly repudiate the right and forbid the practice of impressment, or not only could no

¹ Madison to Monroe and Pinkney, May 17, 1806; State Papers, iii. 119.

treaty be made, but the Non-importation Act should be enforced. "So indispensable is some adequate provision for the case that the President makes it a necessary preliminary to any stipulation requiring a repeal of the Act shutting the market of the United States against certain British manufactures."

Besides this condition precedent, the instructions prescribed as another ultimatum the restoration of the trade with enemies' colonies on its old foundation and indemnity for the captures made under Sir William Scott's late decisions. Three ultimatata, therefore, were fixed as conditions without which no treaty could receive the President's assent or procure a repeal of the Non-importation Act. The numerous requests to be further made upon Fox concerned many different points in dispute,—contraband, blockade, discriminating duties, immunity of neutral waters, East and West Indian trade, and trade with Nova Scotia; but these were matters of bargain, and the two negotiators might to some extent use discretion in dealing with them. Yet every demand made by the United States required a corresponding concession from England, for which no equivalent could be offered by the American negotiators except the repeal of the Non-importation Act.

Monroe knew that Jefferson had ever strongly opposed any commercial treaty with Great Britain, and that he never spoke of Jay's treaty except with disgust and something like abhorrence. Again and again Jefferson had said and written that he wished for no

treaty; that he preferred to rely on municipal legislation as his safeguard against attack; and that he would not part with this weapon in order to obtain the doubtful protection of an agreement which England could always interpret to suit herself. Pinkney could add that Jefferson, as every one in Washington was aware, had been unwillingly driven into the present negotiation by the Senate, and that as the measure was not his its success would hardly be within his expectation; that it would embarrass his relations with Napoleon, endanger if not ruin the simultaneous negotiation for Florida, and exalt Monroe, the candidate of Randolph, at the expense of Madison, who was already staggering under the attacks of his enemies.

Monroe was well informed of the efforts made to raise or to depress his own fortunes at Washington, and could see how easily his rival, the Secretary of State, might play a double part. Nothing could be simpler than such tactics. Madison had only to impose on Monroe the task of negotiating a treaty under impossible conditions. If the treaty should fail, the blame would fall upon Monroe; if it should succeed, the credit would be divided with Pinkney. No one could suppose that Madison would make any great effort to secure the success of a negotiation when success might make the negotiator the next President of the United States.

Monroe could not doubt the President's coldness toward the treaty; he could not fail to see that the secretary's personal wishes were rather against than

for it; and when he studied the instructions he could not but admit that they were framed, if not with the intention, at all events with the effect, of making a treaty impossible. No harder task could well have been imposed than was laid upon Monroe. Not even when he had been sent to Madrid in defiance of Talleyrand and Godoy, to impose his own terms on two of the greatest Powers in the world, had his chance of success been smaller than when his Government required him to obtain from England, after the battle of Trafalgar, concessions which England had steadily refused when she was supposed to be drawing almost her last gasp. For a British ministry to abandon the Rule of 1756 was to challenge opposition; to throw open the colonial trade was to invite defeat; but to surrender the so-called right of impressment was to rush upon destruction. No minister that had ever ruled over the House of Commons could at such a moment have made such a treaty without losing his place or his head.

If America wanted such concessions she must fight for them, as other nations had done ever since mankind existed. England, France, and Spain had for centuries paid for their power with their blood, and could see no sufficient reason why America should take their hard-won privileges without a challenge. Jefferson thought otherwise. In his opinion, all the three Powers would end by conceding American demands, not as a matter of abstract right but for fear of throwing the United States into the arms of an

enemy. The instructions to Monroe rested on this idea; and that no doubt might remain, Jefferson wrote to Monroe a private letter which expressed the doctrine in set terms.

“No two countries upon earth,” said the President,¹ “have so many points of common interest and friendship; and their rulers must be great bunglers indeed if with such dispositions they break them asunder. The only rivalry that can arise is on the ocean. England may by petty-larceny thwartings check us on that element a little; but nothing she can do will retard us there one year’s growth. We shall be supported there by other nations, and thrown into their scale to make a part of the great counterpoise to her navy. If, on the other hand, she is just to us, conciliatory, and encourages the sentiment of family feelings and conduct, it cannot fail to befriend the security of both. We have the seamen and materials for fifty ships of the line and half that number of frigates; and were France to give us the money and England the dispositions to equip them, they would give to England serious proofs of the stock from which they are sprung and the school in which they have been taught, and added to the efforts of the immensity of sea-coast lately united under one Power would leave the state of the ocean no longer problematical. Were, on the other hand, England to give the money and France the dispositions to place us on the sea in all our force, the whole world, out of the continent of Europe, might be our joint monopoly. We wish for neither of these scenes. We ask for peace and justice from all nations, and we will remain uprightly neutral in fact.”

¹ Jefferson to Monroe, May 4, 1806; Works, v. 12.

This was masterful not to say dictatorial language ; for it came in support of categorical claims which, however just, were vehemently opposed by every conservative interest in England. The claims which Monroe was to make as ultimata could not be conceded by England without opening the door to claims more sweeping still. In the same breath with which the President threatened England with fifty ships of the line in case she would not abjure the right of impressment and the Rule of 1756, he added : —

“ We begin to broach the idea that we consider the whole Gulf Stream as of our waters, in which hostilities and cruising are to be frowned on for the present, and prohibited as soon as either consent or force will permit us. We shall never permit another privateer to cruise within it, and shall forbid our harbors to national cruisers. This is essential for our tranquillity and commerce.”

These were bold words, but not well suited to Monroe's task or likely to encourage his hopes. President Jefferson was not only bent upon forcing England to abandon by treaty the right of impressment and the control of the colonial trade ; he not only asked for liberal favors in many different directions, which required the whole fabric of British legislation to be reconstructed, without equivalent on the part of the United States, — but he had also “ begun to broach the idea ” that he should dictate where England's line-of-battle ships might sail upon the ocean. Monroe knew how such language would sound to English

ears strained to hear the distant thunders from Trafalgar, and how such words would look to English eyes, dim with tears, as they watched their hero borne through the shrouded streets of London to rest in his glory beneath the dome of St. Paul's. That England was inflated with her triumphs, mad in her pretensions, intolerable in her arrogance, was true. A people that had swept the ocean of enemies and held the winds and waves for subjects could hardly fail to go mad with the drunkenness of such stormy grandeur. The meanest beggar in England was glorified with the faith that his march was o'er the mountain waves and his home upon the deep; and his face would have purpled with rage at the idea that Jefferson should dare to say that the squadrons of England must back their topsails and silence their broadsides when they reached the edge of the Gulf Stream.

With this picture before his eyes, Monroe could feel no great confidence either in his own success or in the good faith of the President's instructions, which tied him to impossible conditions. Nevertheless he accepted the task; and as he had gone to Spain with the certainty of defeat and mortification, he remained in London to challenge a hopeless contest. As though to destroy his only chance of success, on the very day of Pinkney's arrival Fox fell ill. His complaint was soon known to be dropsical, and his recovery hopeless. Two months passed, while the American envoys waited the result. Aug. 20, 1806,

Fox, being still unable to do business, appointed Lord Holland and Lord Auckland to carry on the negotiation in his place. No better men could have been selected. Lord Holland especially, Fox's favorite nephew and the most liberal of all Whig noblemen, was warmly disposed to make the negotiation a success; but much invaluable time had been lost, and Napoleon was on the eve of Jena.

The negotiation began in earnest August 27, but proved to be long and arduous. The two British commissioners, though courteous and friendly, stood in constant fear of the charge that they had surrendered vital English interests under American threats. They were especially hampered by the Admiralty, the atmosphere of which, as Lord Holland complained,¹ made those who breathed it shudder at anything like concessions to the Americans; while the Treasury, though naturally still less yielding, listened willingly to every expedient that offered hope for the revenue. September 1 began the struggle over impressments; and from the outset Monroe saw that the American claim had no chance of success, while the case of the West Indian trade was almost equally desperate. Only one serious discussion had taken place when the death of Fox, September 13, produced a new delay of several weeks; and on resuming the negotiation, Monroe and Pinkney were required to deal with a new Foreign Secretary,—Charles Grey, Lord Howick,—to be better known in English history as Earl Grey.

¹ *Memoirs of Lord Holland*, ii. 98–103.

Such a change boded no good to the Americans. All Fox's influence could not counteract the Tory instincts of Parliament; and what Fox could not do when the Whigs were strong could much less be done by Lord Howick when the Ministry was every day tottering to its fall.

November 11 the American negotiators wrote home that they had decided to disregard their instructions and to abandon impressments,—accepting, instead of a formal article on the subject, a note in which the British commissioners pledged their government to exercise the strictest care not to impress American citizens, and to afford prompt redress should injury be inflicted while impressing British seamen. Having thus made up his mind to violate instructions on the chief point of negotiation, Monroe found nothing to prevent his doing so in other respects. His progress under William Pinkney's influence was rapid; his good nature, in the face of Lord Holland's difficult position, was extreme; and at the end of a few weeks, Dec. 31, 1806, Jefferson's favorite diplomatic agent set his name to a treaty which, taking its omissions and admissions together, surpassed Jay's treaty in outraging Jefferson's prejudices and express desires.

That a people, like an individual, should for a time choose to accept a wrong, like impressment or robbery, without forcible resistance implied no necessary discredit. Every nation at one time or another had submitted to treatment it disliked and to theories

of international law which it rejected. The United States might go on indefinitely protesting against belligerent aggressions while submitting to them, and no permanent evil need result. Yet a treaty was a compromise which made precedent; it recorded rules of law which could not be again discarded; and above all, it abandoned protest against wrong. This was doubtless the reason why Jefferson wished for no treaties in the actual state of the world; he was not ready to enforce his rights, and he was not willing to compromise them.

The treaty signed by Monroe and Pinkney Dec. 1, 1806, was remarkable for combining in one instrument every quality to which Jefferson held most strenuous objections. The three ultimatæ were all abandoned; impressments were set aside under a diplomatic memorandum which rather recorded the right than restrained its exercise; no indemnity was obtained for the ravages made on American commerce in 1805; and in regard to the colonial trade, a compromise was invented which no self-respecting government could admit. Article XI. of the treaty imposed the condition that West Indian produce, coming from French or Spanish colonies, and *bonâ fide* the property of United States citizens, might be exported from American ports to Europe on condition that it should have paid to the United States custom-house a duty of not less than two per cent *ad valorem*, which could not be returned in drawback; while European merchandise might in the same way be re-

exported from the United States to the West Indies, provided it paid not less than one per cent *ad valorem* in duties to the American Treasury. This provision was only to be compared with Article XII. of Jay's treaty, in which Lord Grenville insisted and Jay agreed that the United States should export no cotton. Even Pitt had never proposed anything so offensive as the new restriction. He had indeed required that the American merchant whose ship arrived at Baltimore or Boston with a cargo of sugar or coffee from Cuba should unload her, carry the hogsheads and cases into a warehouse, and pass them through all the forms of the American custom-house; after which he must turn about and stow them again on shipboard, — an operation which was usually reckoned as equivalent, in breakage, pilfering, and wages, to a charge of about ten per cent on the value of the cargo; but he had not ventured to levy a duty upon them to be paid to the United States government. One step more, and — as a clever London pamphleteer suggested — the British government would require the American stevedores to wear the King's livery.¹ Had it been stipulated that the custom-house payments should be taken as full proof of neutrality and complete protection from seizure, the American merchant might have found a motive for submitting to the tax; but the treaty further insisted that both goods and vessel must be in good faith American property, — a condition which left the door open as widely as ever to the arbitrary seiz-

¹ Oil without Vinegar, Medford, London, 1807.

ures of British cruisers and to the equally arbitrary decisions of admiralty courts.

“ We flatter ourselves,” wrote Monroe and Pinkney to Madison,¹ “ that the sum agreed to be paid will not be felt as a heavy one by our merchants, whose patriotism will be gratified by the recollection that the duty which they pay will redound to the advantage of their country.”

Mercantile patriotism was proverbially elastic ; yet in the present instance not so much the merchants' gratification as that of the President was to be considered, — and Jefferson's patriotism could hardly approve this tax for the protection of British shipping and produce, which would on the one hand excite the anger of Napoleon, while on the other it conferred advantages merely during the period of war. Another objection existed which in Jefferson's eyes was fatal. He believed implicitly in the efficacy of commercial restrictions ; he thought the Non-importation Act a better guaranty of good treatment than the best treaty ever made, and was quite ready to try the experiment of such a measure against England. Yet Article V. of Monroe's treaty pledged him for ten years to abstain from every attempt to discriminate against British commerce.

The smaller points conceded by Monroe and Pinkney were not less likely than the greater ones to disturb Jefferson's temper. The British commission-

¹ Monroe and Pinkney to Madison, Jan. 3, 1807; State Papers, iii. 145.

ers refused to remove the export duty of two and a half per cent on British manufactures which Americans paid in excess of what was paid by European consumers. Trade with the British East Indies was restricted to ships which should sail directly from America and return directly thither, — a provision less favorable than Jay had secured. The trade with the British West Indies was a subject so delicate in Parliament that the two Englishmen refused to touch it, saying that any sanction of this trade, coupled with their sanction of the neutral trade with French and Spanish colonies, would endanger the treaty. They would enter into no arrangement of the trade with Nova Scotia, New Brunswick, and Canada. They also refused to accept Madison's ideas in regard to blockades.

Bad as all this was, and contrary to Madison's instructions and Jefferson's private letters, it was not yet the worst. After Monroe had violated his orders, — had abandoned the ultimata and accepted the commercial restrictions which the President disliked, — when the four commissioners were about to sign the treaty, Monroe and Pinkney were startled to hear that the two Englishmen meant to append an explanatory note to their signatures. News of the Berlin Decree had reached England, and its gravity was at once recognized. The British negotiators formally notified Monroe and Pinkney that unless the American government, before ratification, should give security that it would not recognize the decree, his Majesty George

III. would not consider himself bound by the signatures of his commissioners.¹ Signature under such a condition seemed rather the act of a suppliant people than of one which had not yet so much as bought the sword it should have used. Nevertheless Monroe signed.

Monroe was often called a very dull man. He was said to follow the influence of those who stood near him, and was charged by different and opposed politicians with having a genius for blunders; but either Jefferson or Madison might be excused for suspecting that no man on whom they implicitly relied could violate instructions, sacrifice the principles of a lifetime, and throw infinite embarrassments on his Government without some ulterior motive. They could not be blamed for suspecting that Monroe, in signing his treaty, thought more of the Federalist vote than he did of Madison's political promotion.

Monroe afterward defended his treaty in writings more or less elaborate, but his most candid account of his diplomacy in these years was given in a letter to Colonel Taylor of Caroline, written in the year 1810. Of the British treaty, he said: ²—

“The failure of our business with Spain and the knowledge of the renewal of the negotiation and the manner of it, which were known to every one, were sensibly felt in our concerns with England. She was not willing to yield

¹ American State Papers, iii. 151.

² Monroe to Colonel Taylor, 10 Sept., 1810; Monroe MSS., State Department Archives.

any portion of what she called her maritime rights, under the light pressure of the non-importation law, to a Power which had no maritime force, not even sufficient to protect any one of its ports against a small squadron, and which had so recently submitted to great injuries and indignities from Powers that had not a single ship at sea. Under such circumstances, it seemed to me to be highly for the interest of our country and to the credit of our government to get out of the general scrape on the best terms we could, and with that view to accommodate our differences with the great maritime Power on what might be called fair and reasonable conditions, if such could be obtained. I had been slighted, as I thought, by the Administration in getting no answers to my letters for an unusual term, and in being subjected to a special mission, notwithstanding my remonstrance against it on a thorough conviction of its inutility, and by other acts which I could not but feel ; yet believing that my service in England would be useful there, and by means thereof give aid to the Administration and to the Republican cause at home, I resolved to stay, and did stay for those purposes. The treaty was an honorable and advantageous adjustment with England. I adopted it in the firm belief that it was so, and nothing has since occurred to change that opinion."

CHAPTER XVIII.

MONROE was singularly unfortunate in diplomacy. His disasters came not in any ordinary form of occasional defeat or disappointment, but in waves and torrents of ill-luck. No diplomatist in American history, except Monroe and Pinkney, ever signed a treaty in flagrant contradiction to orders, and at the same time submitted to be told that the opposite party to the contract reserved a right to break it; but if any other man had taken such a step it would have answered for a lifetime, and his mortifications would have ended there. No one could assume that the British ministry would care to do more, pending the ratification of its own treaty. Fox's successor, one of the most liberal Whig noblemen, having imposed on the United States terms which would have been hard as the result of war, with the addition that even these terms were conditional on a declaration of hostilities between the United States and France, the liberal Whigs might be supposed willing to wait for some new pretext before publicly tearing their own treaty to pieces.

If Monroe flattered himself that he had for the moment checked British aggression, he quickly

learned his error. The treaty had been signed barely a week when a new Order in Council appeared, which surpassed any belligerent measure of the Tories.¹ Beginning with the premise that Napoleon's Berlin Decree "would give to his Majesty an unquestionable right of retaliation, and would warrant his Majesty in enforcing the same prohibition of all commerce with France which that Power vainly hopes to effect against the commerce of his Majesty's subjects," the order added that King George felt himself bound "to retort upon them the evils of their own injustice," and therefore "ordered that no vessel shall be permitted to trade from one port to another, both which ports shall belong to, or be in the possession of, France or her allies." In other words the Whig ministers, ignoring their fresh treaty with the United States and even the note appended to it, declared that they would not wait for America to resent the Berlin Decree, but that United States vessels must in future, as a retort for that decree, be deprived of the right to sail from one European port to another. The custom had hitherto prevailed among American shippers of seeking a market according to ruling prices, partly perhaps at Bilbao or Bordeaux, partly at some other French or Mediterranean port. Lord Howick's order of Jan. 7, 1807, which cut short this coasting privilege, was a blow to American commerce sharper

¹ Order in Council, of Jan. 7, 1807; American State Papers, iii. 267.

than the famous decision of Sir William Scott in the case of the "Essex." Its apparent effect was to double the cost and risk of neutral commerce, while incidentally it asserted a right to prohibit such trade altogether.

Unfortunately more remained behind. The new order was not only an act of violence; it was, according to the Tories, also one of meanness. On its face it purported to be a measure of retaliation, taken in order to retort upon France the evils of Napoleon's injustice. In the Parliamentary debate four weeks afterward, when the order was attacked, all parties argued it as a matter of retaliation. The King's advocate, Sir John Nicholls, who defended it, took the ground that for the moment no severer retaliation was needed; while Spencer Perceval and Lord Castlereagh held that Napoleon's decree should have been retaliated in full.

"You might turn the provisions of the French decree against themselves," said Perceval;¹ "and as they have said that no British goods should sail freely on the seas, you might say that no goods should be carried to France except they first touched at an English port. They might be forced to be entered at the custom-house, and a certain entry imposed, which would contribute to advance the price and give a better sale in the foreign market to your own commodities."

Sir John Nicholls replied:²—

¹ Cobbett's Debates, viii. 632.

² Cobbett's Debates, viii. 635.

"It was not denied that some steps in retaliation were necessary; and the question was how far the steps that had been taken were adequate. . . . It was necessary to allow a fair trial to what ministers had adopted."

All this seemed clear and frank; it was equivalent to saying that the rules of international law were henceforth to be laid aside, and that the doctrine of retaliation was to be the measure of England's rights. Yet this was not the form in which Lord Howick addressed President Jefferson.

"His Majesty," wrote Lord Howick to Erskine,¹ "with that forbearance and moderation which have at all times distinguished his conduct, has determined for the present to confine himself to the exercise of the power given him by his decided naval superiority in such a manner only as is authorized by the acknowledged principles of the law of nations."

In Parliament the measure was represented as an extra-legal act, justified by the illegality of the Berlin Decree. In diplomacy it was represented as an act "authorized by the acknowledged principles of the law of nations." The reason of the self-contradiction was evident. Only a week before this letter was written, the ministers had concluded a treaty with the United States involving the rights of neutrals, and had attached to it a note to the effect that if the United States failed to resist the Berlin Decree England would acquire the right to retaliate, but had not

¹ Howick to Erskine, Jan. 8, 1807; Cobbett's Debates, x. 558. Erskine to Madison, March 12, 1807; American State Papers, iii. 158.

hinted that retaliation was intended until the case of acquiescence should happen. As the matter stood, the British government had no right to retaliate, but was bound to wait for America to act; and Lord Howick's order, from that point of view, could not be defended.

From every other point of view the Order was equally indefensible; and within a year the Whigs were obliged to take the ground that it was not an act of retaliation at all, but an application of the Rule of 1756. Strange to say, this assertion was probably true. Unlikely as it seemed that Earl Grey, Lord Holland, and Lord Grenville could be parties to a transaction so evasive, their own admissions left no doubt that Napoleon's Berlin Decree was the pretext, not the cause, of Lord Howick's order; that Lord Howick's true intention was to go one step further than Pitt in applying the Rule of 1756 against United States commerce; that he aimed only at cutting off the neutral trade at one end of the voyage, as Pitt had cut it off at the other.

This criticism of the Whig ministry was made not so much in America as in England. The Whigs never offered an intelligible defence. Lord Grenville and Lord Howick argued at much length in Parliament, but convinced no one that their argument was sound; even the "Edinburgh Review" was ashamed of the task, and became unintelligible when it touched upon this party measure.¹ Whether the conduct of

¹ Edinburgh Review, xxii. 485.

Lord Grenville's administration was, as a vigorous Tory pamphleteer said,¹ a piece of chicanery of which an attorney's clerk would have been ashamed, was a matter for English historians to decide. In England at that day none but a few merchants or Republicans believed in the honor or honesty of the United States government or people; but in this instance it was not the honor or honesty of Americans that the English critics denied: it was, on the contrary, the good faith of their own most distinguished and most trusted noblemen, — Lord Grenville and Lord Sidmouth, Earl Grey and Lord Holland, Lord Erskine and Lord Lansdowne, Lord Ellenborough and Earl Fitzwilliam; and in the light of such conduct and criticism, Americans could not be greatly blamed if they refused to admit the ground on which these English gentlemen claimed a better reputation for truth or honesty than they were willing to allow Napoleon. Robbery against robbery, the English mode of pillage seemed on the whole less respectable than the French.

The Whigs were liberal by tradition and instinct; well disposed toward peace and commerce with all nations, they knew that neutral ships alone could carry British manufactures to a European market. Every impediment put in the way of neutral commerce was an additional burden on British produce; every market closed to neutrals was a market closed

¹ T. P. Courtney's *Additional Observations on the American Treaty*, London, 1808, p. 89.

to England. From a Whig point of view Lord Howick's order violated the rules of political economy and common-sense; not to be defended or excused, it equalled in violence the aggressions of Pitt, and in bad faith rivalled the deceptions of Napoleon. Yet this measure was the last act of a Ministry more liberal than England was destined to see again for twenty years. Hardly had Lord Grenville made this concession to Tory prejudice when the old King, nearly blind and on the verge of insanity, clinging to his prejudices with the persistence of age, seized the pretext of some small concession to the Roman Catholics and turned the Whigs out of his councils. March 26, 1807, Lord Grenville and Lord Howick announced to the two Houses of Parliament their dismissal from office.

If the friendly Whigs, after imposing on the United States such a treaty, had thought themselves still obliged to lop off another main limb of American commerce, which Pitt had spared, the Tories were not likely to rest until they had put an end to American neutral commerce altogether. This result was foreshadowed by Spencer Perceval and Lord Castlereagh in their speeches on Lord Howick's order, and was the end to which the legislation and public opinion of England had pointed for years. The time for negotiation had gone by, and nothing remained for the United States but a trial of strength.

For this final test Jefferson was ready. Congress

had placed in his hands powers which in his opinion were ample to protect American interests abroad and at home. On sufficient provocation he could exclude British ships-of-war from American waters, and if they should refuse to depart he might enforce the Non-importation Act against British commerce. His conduct proved that he felt neither fear nor hesitation. He had never expected a satisfactory treaty from England, and he had good reason to know that Monroe's treaty, if Monroe should succeed in making one, must be worse than none. Early in February, 1807, arrived the despatch from Monroe and Pinkney announcing that the two envoys had decided to depart from their instructions and to abandon the impressment ultimatum. Madison replied,¹ February 3, that no such treaty would be ratified, and that it would be better to let the negotiation quietly terminate, leaving each party to follow an informal understanding; but that if such a treaty should have been signed, the British commissioners should be candidly apprised of the reasons for not expecting its ratification. That Monroe's treaty, if he made one, would be rejected and returned without ratification to the British government was certain long before it reached America.

On that point, as on the inflexibility of England, no doubt could exist. President Jefferson and Secretary Madison were as determined, in case of necessity, to

¹ Madison to Monroe and Pinkney, Feb. 3, 1807; State Papers, iii. 153.

attack British manufactures as Spencer Perceval and George Rose were bent upon cutting off American trade; but although the Americans fully meant to use commercial weapons against British aggression, they earnestly wished for a good working arrangement under which, without a treaty, peace and commerce could be secure. So far from challenging a rupture, they were anxious only to encourage cordial relations. Throughout the winter of 1806–1807 Jefferson made of his attachment to England a foundation for all his policy at home and abroad. Congress, under the security of Fox's friendship, left foreign affairs alone, and quarrelled only about domestic matters; while General Turreau's temper was made more irritable by the attentions lavished upon David Montague Erskine, the new British minister, who, Nov. 4, 1806, put an end to the adventures of Merry at Washington, and began the easy task of winning popularity.

The winter of 1805–1806 had been favorable to Turreau, who saw France control American policy toward Spain and St. Domingo; while a stringent Act of Congress prohibiting the importation of British manufactures brought within his sight the chief object of French diplomacy in America, — a war between the United States and England. The winter of 1806–1807 promised to undo this good work, and even to bring the United States to the verge of war with France. The first measure recommended by the President and adopted by Congress — the suspension of the Non-importation Act — annoyed Turreau.

Monroe's treaty was signed in London December 1 ; at Washington Turreau wrote, December 12,¹ soon after Congress met,—

“ If I am to judge by the talk and countenances of the great people, this Congress will be more favorable to England than the last was ; and already its leader, under the President's own invitation, shows a benevolent disposition toward the British government. I had the honor to see Mr. Jefferson the evening before Congress met, and to say to him, on the subject of Spanish differences, that probably all the negotiations entered into by the Government with that Power, as well as with England, would succeed. ‘ Really,’ replied the President, ‘ I have reason to think that the English are going to make an arrangement with us, and that it would be already done if Mr. Fox's death had not interrupted negotiation. Perhaps we shall even obtain,’ he added, ‘ the right to extend our maritime jurisdiction, and to carry it as far as the effect of the Gulf Stream makes itself felt,— which would be very advantageous both to belligerents and to neutrals.’ ”

To persons who knew that Jefferson was then angry with Napoleon for his faithless conduct in preventing the new Florida negotiation, this assurance of English friendship gave a measure of the President's diplomacy. He was willing to irritate and alarm the French minister, and he succeeded. Turreau took refuge in speculations and sharp criticisms :—

¹ Turreau to Talleyrand, Dec. 12, 1806 ; Archives des Aff Étr., MSS.

“ I know not whether to attribute this first effect of pronounced favor in regard to England to the last despatches of the two envoys negotiating at London, or to the first overtures of Mr. Erskine, who arrived here a few days ago, and with whom they seem already infatuated (*très engoué*) ; . . . or, finally, whether it may not be the result of some hints from Alexander, — for whom the Federal government, and particularly Mr. Jefferson, have an admiration which borders on delirium. And your Excellency may recall that last spring the President talked of making overtures to the Russian sovereign relative to a plan of unarmed maritime confederation, which was then his great object, and which, as he assured me in our last interview, he has not given up, — making, as his custom is, a grand eulogium of Alexander and his savages.”

Madison, even in prosperous times never a favorite with General Turreau, managed as usual to draw upon himself the chief weight of diplomatic suspicion and wrath.

“ The unexpected change in the views of the Federal government,” continued Turreau, “ is such that the secretary’s bearing toward me is deranged by it. Not that he has renounced his system of attentions (*prévenances*) toward the minister of France, whom he does not love, and whom, as I have unfortunately good reason to know, he distrusts ; not that he has weakened his protestations, reiterated to satiety, of personal attachment to the interests of France, and of the Government’s constant wish to maintain and strengthen the friendly relations which unite it with that Power, — but the Secretary of State has forgotten that at the beginning of this year

[1806], and particularly after the event of Austerlitz, the only subject of our private conversations was complaint of England, and the fixed resolution of the Federal government to stop the course of her wrongs either by repression or reprisals. He has forgotten that the steps taken by the Executive to obtain from Congress the famous Non-importation Bill, now suspended, were so marked and ill-concealed that John Randolph called attention to them, and flung severe, or rather humiliating, taunts at the agents of ministerial influence. Now Mr. Madison no longer talks to me about England; he tries to keep out of our conversations whatever relates to that Power, and far from making complaints of her, the Federal government 'has to congratulate itself that the ministry of Mr. Fox, though unfortunately too short, has nevertheless sufficed to bring the Cabinet of St. James to moderate sentiments.'"

Neither Jefferson nor Madison took direct notice of Napoleon's conduct in regard to Florida, but they led Turreau to think that England was their favorite; and Turreau's dislike of America and Americans became in consequence more decided. He hoped for Burr's success in order to relieve the pressure upon him:¹ —

"It seems to me that Burr's success cannot be contrary to the interests of France, although I am convinced that England will favor him, — doubtless with other hopes; but if we had to-day the Floridas, the importance of which I have felt it my duty to recall to you, I think I

¹ Turreau to Talleyrand, Jan. 12, 1807; Archives des Aff. Étr., MSS.

can guarantee that New Orleans would be ours if we only showed a wish for it. All reports, and I have had such, both official and positive, agree as to the regrets expressed by the great majority of inhabitants at not living under French rule."

In the middle of February, at a moment when Americans expected daily the arrival of a British treaty marked by generous concessions, Napoleon's Berlin Decree reached the United States. Commerce was instantly paralyzed, and merchants, Congressmen, Cabinet, and President turned to Turreau anxiously inquiring what was meant by this blockade of the British Islands by a Power which could not keep so much as a frigate at sea. Turreau could give them no answer. "Your Excellency will readily believe," he wrote home,¹ "that this circumstance does not put us in a better position here." The influence of France in the United States was never lower than at the moment when England turned Lord Grenville and Lord Erskine out of power, in order to install Spencer Perceval and Lord Eldon at the head of a Tory reaction. Jefferson's objections to a British treaty would have had no weight with the Senate if the treaty had been tolerable; the Berlin Decree and the Emperor's conduct in regard to Florida would have reconciled Madison to almost any British alliance. Turreau was so well aware of the danger that he exerted himself in remonstrances and semi-threats,

¹ Turreau to Talleyrand, Feb. 23, 1807; Archives des Aff. Étr., MSS.

and told¹ one member of the Cabinet after another that “at a moment when Europe, leagued together against the maritime tyranny of England, was laboring to throw off the yoke of that Power and to secure for all navigating nations freedom of commerce and the seas,” it was particularly improper for the United States to accept any treaty which did not expressly secure all disputed points, and that no treaty would be observed by England unless made under the auspices and by the guaranty of Napoleon.

In view of the recent fate that had overtaken Powers like Switzerland and Venice, which had put themselves under the auspices of Napoleon, this argument produced no conviction. Turreau might better have left to the English the task of repairing Napoleon’s mistakes; but these mistakes had accumulated until it depended upon England alone whether the United States should join her in the war. Not only had the Emperor offended Jefferson and Madison by his peremptory stoppage of the Florida purchase, — he had also declared war upon American commerce in a decree which Jefferson and Madison could not but suspect to be in some mysterious way connected with his sudden change of front toward Spain and Florida; while in the face of these difficulties he left his own minister at Washington in such discredit that Turreau was reduced to beg sixty thousand dollars from the American Treasury to meet consular expen-

¹ Turreau to Talleyrand, April 1, 1807; Archives des Aff. Étr., MSS.

ditures at a moment when he should have been pressing complaints about the frigate "*Impétueux*," destroyed by the English within American jurisdiction, and when he should have been threatening the most fatal consequences if President Jefferson should sign any treaty whatever with England.¹

In this temper all parties waited for the news from England, which could not long be delayed; until March 3, 1807, the last day of the session, a rumor reached the Capitol that a messenger had arrived at the British legation with a copy of the treaty negotiated by Pinkney and Monroe. The news was true. No sooner did Erskine receive the treaty than he hurried with it to Madison, "in hopes that he would be induced to persuade the President either to detain the Senate, which he has the power by the Constitution to do, or to give them notice that he should convene them again." Unlike Merry, Erskine was anxious for a reconciliation between England and America; he tried honestly and over-zealously to bring the two governments into accord, but he found Madison not nearly so earnest as himself:

"The first question he asked was, what had been determined on the point of impressment of seamen, claimed as British, out of American ships; and when I informed him that I had not perceived anything that directly referred to that question in any of the Articles of the copy of the treaty which I had received, he expressed the

¹ Turreau to Talleyrand, May 15, 1807; Archives des Aff. Étr., MSS.

greatest astonishment and disappointment. . . . The note which was delivered in to the American commissioners, previous to the signature of the treaty, by Lords Holland and Auckland, relative to Bonaparte's decree of November 21, particularly attracted his attention; and he observed that the note itself would have prevented, he was convinced, the ratification of the treaty, even if all the Articles of it had been satisfactory, and all the points settled upon the terms that had been required by their commissioners."¹

At ten o'clock the same night the two Houses of Congress, when ready to adjourn, sent a joint committee to wait upon the President, who was unwell, and unable to go as usual to the Capitol. Dr. Mitchill, the senator from New York, a member of this committee, asked the President whether there would be a call of the Senate to consider the treaty.² "Certainly not," replied Jefferson; and he added that "the only way he could account for our ministers having signed such a treaty under such circumstances was by supposing that in the first panic of the French imperial decree they had supposed a war to be inevitable, and that America must make common cause with England. He should, however, continue amicable relations with England, and continue the suspension of the Non-importation Act."

The senators received this rebuff with ill-concealed annoyance. Jefferson's act in refusing to consult

¹ Erskine to Howick, March 6, 1807; MSS. British Archives.

² Diary of J. Q. Adams, i. 495.

them about a matter so important as a British treaty — and one which from the first had been their own rather than the President's scheme — was another instance of the boldness which sometimes contradicted the theory that Jefferson was a timid man. To ordinary minds it seemed clear that the President needed support; that he could not afford single-handed to defy England and France; that the circle of foreign enemies was narrowing about him; and that to suppress of his own will a treaty on which peace and war might depend, exposed him to responsibilities under which he might be crushed. Although the treaty was not yet published, enough had been said to make senators extremely curious about its contents; and they were not pleased to learn that the President meant to tell them nothing, and cared too little for their opinion to ask it. Of all the senators the most formidable intriguer was Samuel Smith of Maryland, who wrote the next day confidentially to Wilson Cary Nicholas a letter full of the fresh impressions which gave life to Smith's private language:¹

“A copy of the treaty arrived last evening. The President is angry with it, and to Dr. Mitchill and Mr. Adams (who carried the last message) expressed his anger in strong, very strong terms, telling in broad language the cause of his wrath. He requested the doctor to tell the senators his objections. If the doctor repeated correctly, then I must be permitted to think there was

¹ S. Smith to W. C. Nicholas, March 4, 1807; Nicholas MSS.

not a little of the heightening. He said the President was at present determined to send the original back the moment it shall be received, without submitting it to the Senate. He was sick, it is true, — vexed and worried; he may think better of it, for Madison (expecting less than he had) differs with him as to calling the Senate, and R[obert] S[mith] concurs in opinion with M[adison]. . . . I stopped here, and I have seen the President and Mr. M[adison]. It seems the impressment of seamen was a *sine qua non* in the instructions. The P[resident] speaks positively that, without full and formal satisfaction shall be made thereupon, he will return the treaty without consulting the Senate; and yet he admits the treaty, so far as to all the other points, might be acceptable, — nay, that there are but few exceptions to it in his mind. I fancy the merchants would be perfectly pleased therewith. If then in all other points it would please, will the responsibility not be very great on him should he send it back without consulting the Senate? M[adison] in answer to this query said, ‘But if he is determined not to accept, even should the Senate advise, why call the Senate together?’ I could give no answer to this question. If by his unusual conduct the British continue or increase their depredations (which he cannot prevent), what will be the outcry? *You* may advise him. He stumped us by his positive manner. . . . Will not M[onroe] and P[inkney] both conceive themselves insulted, and return to make war on the Administration? The whole subject ought, I conceive, to have been treated as one of great delicacy.”

In another letter, written the same day, General Smith rehearsed the story in a few words, which

proved that Smith had a full share of the shrewdness that was lacking in Jefferson. He saw the future as clearly as politicians often saw what philosophers overlooked; but his jealousy of Jefferson appeared in every word:¹ —

“ The Senate, agreeably to the first construction (given by General Washington and his Administration, of which Jefferson was one, — given, too, immediately after the knowledge of what was the intention of the convention that framed it), did *unanimously* advise the President to negotiate a treaty with Great Britain. The Senate agreed to his nomination of the negotiators. A treaty was effected. It arrives. It is well known that he was *coerced* by the Senate to the measure; and he refuses to submit it to their approbation. What a responsibility he takes! By sending it back he disgraces his ministers, *and Monroe is one*. Monroe and Pinkney come home, and in justification publish the treaty. It may appear good to the eyes of all unprejudiced men, — I suspect it will. By a refusal to accede to it the British continue their depredations, to the amount perhaps of their whole system of ‘ You shall not trade in time of war where you are refused in time of peace;’ the impression is carried to an excess bounded only by their power; immense losses are sustained; a general outcry will ensue; all will say, ‘ If Monroe’s treaty had succeeded, those losses would not have happened; why was it refused?’ Jealousy of Monroe, and unreasonable antipathy by Jefferson and Madison to Great Britain! — this will be said, this will be believed. And Monroe will be brought forward; new parties will arise, and those

¹ S. Smith to W. C. Nicholas, March 4, 1807; Nicholas MSS.

adverse politically will be brought together by interest. . . . Shall we put all to jeopardy because we have not got all we ask? Will we go to war? No! What will we do to coerce? More non-importation. Will Congress under such circumstances consent to continue their non-importation? I suspect not; I cannot believe they will. Then where shall we be? J. Randolph will take his stand and ask, 'Shall we hazard everything for a set of men who, etc.? What, put the landed interest to such inconvenience! The fair merchant is satisfied; the country is flourishing,' etc. But I have not time to make a speech. Monroe will be called a martyr, and the martyr will be the President. And why? Because he has done right, and his opponent has advised wrong. The people care little or nothing about the seamen."

The more closely the subject was studied the more clearly it appeared that Monroe had to all appearance knowingly embarrassed the Administration by signing a treaty in contravention of the President's orders; but Jefferson added unnecessarily to his embarrassment by refusing the treaty before he read it. Tacit abandonment of impressments was the utmost concession that the President could hope from England, and even this he must probably fight for; yet he refused to consult the Senate on the merits of Monroe's treaty for a reason which would have caused the withholding of every treaty ever made with England. That the public should be satisfied with this imperious treatment was an extravagant demand. No act of Jefferson's administration exposed him to more misinterpretation, or more stimulated a belief in

his hatred of England and of commerce, than his refusal to lay Monroe's treaty before the Senate.

Perhaps the President would have been less decided had he known at first how faulty the treaty was. Not until it had been studied for weeks did all its faults become evident; and not until it was read in the light of Lord Howick's Order in Council did its character admit of no more doubt. When news of this order reached Washington, about ten days after the treaty, Madison wrote to Erskine a letter¹ which showed an effort to treat the new restriction of neutral trade as though it might have some shadow of legality in the background, and as though it were not directed solely against America; but the truth soon became too evident for such mild treatment, and Madison was obliged ten days afterward to interrupt his study of Monroe's treaty in order to tell Erskine that the operation of the new order "would be a proceeding as ruinous to our commerce as contrary to our essential rights."²

To Monroe the President wrote with the utmost forbearance and kindness.³ Instead of reproaching, Jefferson soothed the irritation of his old friend, contradicted newspaper reports which were calculated to wound Monroe's feelings, and pressed upon him the government of New Orleans Territory: "It is the second office in the United States in importance,

¹ Madison to Erskine, March 20, 1807; State Papers, iii. 158.

² Same to same, March 29, 1807; Ibid., 159.

³ Jefferson to Monroe, March 21, 1807; Works, v. 52.

and I am still in hopes you will accept it; it is impossible to let you stay at home while the public has so much need of talents." In regard to the treaty he said little; but what he did say was more severe than any criticism yet made to others. "Depend on it, my dear Sir, that it will be considered as a hard treaty when it is known. The British commissioners appear to have screwed every Article as far as it would bear,—to have taken everything and yielded nothing." He urged Monroe, if nothing better could be got, "to back out of the negotiation" as well as he could, letting it die insensibly, and substituting some informal agreement until a more yielding temper should rise. Next the President wrote privately to Bowdoin, his wandering minister to Spain, to whom Armstrong had shut the doors of the legation at Paris for betraying its secrets, and who in return was abusing Armstrong with recriminations. If a quarrel should arise with England, it might at least be made to bring Florida again within reach.

"I have but little expectation," wrote the President to Bowdoin,¹ "that the British government will retire from their habitual wrongs in the impressment of our seamen, and am certain that without that we will never tie up our hands by treaty from the right of passing a non-importation or non-intercourse Act to make it her interest to become just. This may bring on a war of commercial restrictions. To show, however, the sincerity of our desire for conciliation, I have suspended

¹ Jefferson to Bowdoin, April 2, 1807; Works, v. 63.

the Non-importation Act. This state of things should be understood at Paris, and every effort used on your part to accommodate our differences with Spain under the auspices of France, with whom it is all important that we should stand in terms of the strictest cordiality. In fact we are to depend on her and Russia for the establishment of neutral rights by the treaty of peace, among which should be that of taking no persons by a belligerent out of a neutral ship, unless they be the soldiers of an enemy. Never did a nation act toward another with more perfidy and injustice than Spain has constantly practised against us; and if we have kept our hands off of her till now, it has been purely out of respect to France, and from the value we set on the friendship of France. We expect, therefore, from the friendship of the Emperor that he will either compel Spain to do us justice or abandon her to us. We ask but one month to be in possession of the city of Mexico."

In reality Jefferson needed somewhat more than a month to be in possession of Mexico, although the Spaniards might without much difficulty have reached New Orleans in less time. Had the Federalist press been able to print the letter to Bowdoin, with its semi-admissions of intent to wage a commercial war against England in dependence upon Napoleon in order to gain the Floridas, the scandal would have been as great as that caused by the famous letters to Mazzei and Paine; but in truth this flighty talk had no influence or importance, and the time was close at hand when Jefferson was to become helpless.

Between the will of England and France on one side and the fixed theories of Virginia and Pennsylvania on the other, Jefferson's freedom of action disappeared.

Madison, who rarely accepted either horn of a dilemma with much rapidity, labored over new instructions to Monroe which were to make the treaty tolerable, and called Gallatin and General Smith to his aid, with no other result than to uncover new and insuperable difficulties. April 20 he wrote to Jefferson at Monticello:¹ —

“The shape to be given to the instructions to our commissioners becomes more and more perplexing. I begin to suspect that it may eventually be necessary to limit the treaty to the subject of impressments, leaving the colonial trade, with other objects, to their own course and to the influence which our reserved power over our imports may have on that course. In practice the colonial trade and everything else would probably be more favored than they are by the Articles forwarded, or would be by any remodifications to be expected. The case of impressments is more urgent. Something seems essential to be done, nor is anything likely to be done without carrying fresh matter in the negotiation. I am preparing an overture to disuse British seamen, in the form of an ultimatum, graduated from an exception of those who have been two years in our navigation to no exception at all other than such as have been naturalized.”

A few days later news arrived that the Whigs had been driven from office, and a high Tory ministry had

¹ Madison to Jefferson, April 20, 1807; Jefferson MSS.

come into power. Madison was more than ever perplexed, but did not throw aside his treaty.

“A late arrival from London,” he wrote again,¹ April 24, “presents a very unexpected scene at St. James’s. Should the revolution stated actually take place in the Cabinet, it will subject our affairs there to new calculations. On one hand the principles and dispositions of the new Ministry portend the most unfriendly course. On the other hand, their feeble and tottering situation and the force of their ousted rivals, who will probably be more explicit in maintaining the value of a good understanding with this country, cannot fail to inspire caution. It may happen also that the new Cabinet will be less averse to a *tabula rasa* for a new adjustment than those who formed the instrument to be superseded.”

Jefferson’s reply to these suggestions showed no anxiety except the haunting fear of a treaty,—a fear which to Monroe’s eyes could have no foundation. “I am more and more convinced,” the President wrote April 21,² “that our best course is to let the negotiation take a friendly nap;” and May 1 he added:³ “I know few of the characters of the new British Administration. The few I know are true Pittites and anti-American. From them we have nothing to hope but that they will readily let us back out.” In view of George Canning’s character and antecedents and of Spencer Perceval’s speeches, Jefferson’s desire to be allowed to back out of his

¹ Madison to Jefferson, April 24, 1807; Jefferson MSS.

² Jefferson to Madison, April 21, 1807; Works, v. 69.

³ Jefferson to Madison, April 21, 1807; Works, v. 74.

treaty was superfluous. That Canning and Perceval would make any effort to hold him to his bargain was quite unlikely, but that they would let him back out was still more so. They had in view more expeditious ways of ejecting him.

Nevertheless Madison was allowed to perfect his new instructions to Monroe and Pinkney. May 20 they were signed and sent. Before they reached London a British frigate had answered them in tones which left little chance for discussion.

CHAPTER XIX.

MARCH 30, 1807, in a room at the Eagle Tavern in Richmond, Aaron Burr was brought before Chief-Justice Marshall for examination and commitment. Although Burr had been but a few days in the town, he was already treated by many persons as though he had conferred honor upon his country. Throughout the United States the Federalists, who formed almost the whole of fashionable society, affected to disbelieve in the conspiracy, and ridiculed Jefferson's sudden fears. The Democrats had never been able to persuade themselves that the Union was really in danger, or that Burr's projects, whatever they were, had a chance of success; and in truth Burr's conspiracy, like that of Pickering and Griswold, had no deep roots in society, but was mostly confined to a circle of well-born, well-bred, and well-educated individuals, whose want of moral sense was one more proof that the moral instinct had little to do with social distinctions. In the case of Burr, Jefferson himself had persistently ignored danger; and no one denied that if danger ever existed, it had passed. Burr was fighting for his life against the power of an encroaching government; and human nature was too simply or-

ganized to think of abstract justice or remote principles when watching the weak fight for life against the strong. Even the Democrats were more curious to see Burr than to hang him; and had he gone to the gallows, he would have gone as a hero, like Captain Macheath amidst the admiring crowds of London.

Between Captain Macheath and Colonel Burr was more than one point of resemblance, and the "Beggars' Opera" could have been easily paralleled within the prison at Richmond; but no part of Burr's career was more humorous than the gravity with which he took an injured tone, and maintained with success that Jefferson, being a trivial person, had been deceived by the stories of Eaton and Wilkinson, until, under the influence of causeless alarm, he had permitted a wanton violation of right. From the first step toward commitment, March 30, to the last day of the tedious trials, October 20, Burr and his counsel never ceased their effort to convict Jefferson; until the acquittal of Burr began to seem a matter of secondary importance compared with the President's discomfiture.

Over this tournament the chief-justice presided as arbiter. Blennerhassett's island, where the overt act of treason was charged to have taken place, lay within the chief-justice's circuit. According as he might lean toward the accused or toward the government, he would decide the result; and therefore his leanings were a matter of deep interest. That he held Feder-

alist prejudices and nourished a personal dislike to Jefferson was notorious; but apart from political feelings he had given no clew to his probable legal bias except in his recent decision upon the case of Bollman and Swartwout. In discharging these two agents of Burr on the ground that no overt act of levying war was alleged against them, Marshall had taken occasion to define the law of treason as a guide to the attorney-general in the coming indictment of Burr: —

“ It is not the intention of the Court to say that no individual can be guilty of this crime who has not appeared in arms against his country. On the contrary, if war be actually levied, — that is, if a body of men be actually assembled for the purpose of effecting by force a treasonable purpose, — all those who perform any part, however minute, or however remote from the scene of action, and who are actually leagued in the general conspiracy, are to be considered as traitors. But there must be an actual assembling of men for the treasonable purpose, to constitute a levying of war.”

On the strength of this opinion, the attorney-general undertook to convict Burr of treason for the acts committed under his direction at Blennerhassett's island, although at the time when these acts were committed Burr himself was in Kentucky, two hundred miles away.

The task was difficult, and Burr's experience as a lawyer enabled him to make it more difficult still. He retained the ablest counsel at the bar. First of

these was Edmund Randolph, prominent among the older Virginia lawyers, who had been attorney-general and Secretary of State in President Washington's Cabinet. Edmund Randolph's style of address was ponderous, and not always happy; to balance its defects Burr employed the services of John Wickham, another Virginian, whose versatility and wit were remarkable. A third Virginian, Benjamin Botts, was brought into the case, and proved a valuable ally. Finally Luther Martin was summoned from Baltimore; and Martin's whole heart was with his client. In defending Justice Chase, Luther Martin had made a great name; but hatred for the Democrats and their President became a secondary passion in his breast. His zeal for Burr was doubled by a sudden idolatry which the sexagenarian conceived for Burr's daughter Theodosia, who came to her father's side at Richmond.

The government was represented by no one of equal force with these opponents. John Breckinridge, the Attorney-General of the United States, died in December, 1806. Jan. 20, 1807, President Jefferson appointed Cæsar A. Rodney to the post. Although Rodney's abilities were respectable, he could hardly have wished to be confronted at once by the most important and difficult State prosecution ever tried under Executive authority. Rodney's duties or his health prevented him from attendance. He barely appeared at Richmond in the preliminaries, and then left the case in the hands of the district-

attorney, George Hay, who took his orders directly from Jefferson, with whom he was in active correspondence. To assist Hay the President engaged the services of William Wirt, then thirty-five years old, and promising to become an ornament to the bar; but in the profession of the law age gave weight, and Wirt, though popular, conscientious, admired, and brilliant in a florid style of oratory, suffered as a lawyer from his youth and his reputation as an orator. He was hardly more capable than Hay of conducting a case which drew upon every resource of personal authority. The third counsel, Alexander McRae, Lieutenant-Governor of Virginia, was inferior both in ability and in tact to either of his associates. His temper irritated Hay and offended the Court, while his arguments added little strength to the prosecution.

The first object of the government was to commit Burr for trial on the charge of treason as well as of misdemeanor; but Marshall promptly checked all hopes of obtaining aid from the court. April 1 the chief-justice delivered an opinion on the question of commitment, and took that opportunity to give the district-attorney a warning. Declining to commit Burr for treason without evidence stronger than the affidavits of Eaton and Wilkinson, Marshall blamed the Executive with asperity for neglect of duty in providing proof of treason:—

“Several months have elapsed since this fact did occur, if it ever occurred. More than five weeks have elapsed

since the opinion of the Supreme Court has declared the necessity of proving the fact if it exists. Why is it not proved? To the Executive government is intrusted the important power of prosecuting those whose crimes may disturb the public repose or endanger its safety. It would be easy in much less time than has intervened since Colonel Burr has been alleged to have assembled his troops, to procure affidavits establishing the fact."

Accordingly Burr was committed only for misdemeanor, and five securities immediately offered themselves on his behalf. At three o'clock on the afternoon of April 1 he was again at liberty, under bonds for ten thousand dollars to appear at the next circuit court, May 22, at Richmond.

Marshall's reproof of Executive slowness was not altogether respectful to the co-ordinate branch of government. No doubt treasonable assemblages had taken place in December, and affidavits could have been brought from Marietta or Nashville within six or eight weeks had the government known precisely what would be needed, or where the evidence was to go; but no judge could reasonably require that the Executive should within five weeks obey a hint from the Supreme Court which implied a long correspondence and inquiry at spots so remote as Blennerhassett's island, Lexington, Nashville, Fort Massac, and Chickasaw Bluffs. Jefferson was naturally indignant at being treated with so little courtesy. He wrote with extreme bitterness about Marshall's "tricks to force trials before it is possible to collect the evi-

dence.”¹ He returned threat for threat, with something in addition:—

“In what terms of decency can we speak of this? As if an express could go to Natchez or the mouth of the Cumberland and return in five weeks, to do which has never taken less than twelve! . . . But all the principles of law are to be perverted which would bear on the favorite offenders who endeavor to overturn this odious republic! . . . All this, however, will work well. The nation will judge both the offender and judges for themselves. If a member of the Executive or Legislature does wrong, the day is never far distant when the people will remove him. They will see then and amend the error in our Constitution which makes any branch independent of the nation. They will see that one of the great co-ordinate branches of the government, setting itself in opposition to the other two and to the common-sense of the nation, proclaims impunity to that class of offenders which endeavors to overturn the Constitution, and are protected in it by the Constitution itself; for impeachment is a farce which will not be tried again. If their protection of Burr produces this amendment, it will do more good than his condemnation would have done; . . . and if his punishment can be commuted now for a useful amendment of the Constitution, I shall rejoice in it.”

In substance Jefferson said that if Marshall should suffer Burr to escape, Marshall himself should be removed from office. No secret was made of this intention. The letter in which Jefferson announced the threat was written to the Virginia senator William

¹ Jefferson to W. B. Giles, April 20, 1807; Works, v. 65.

B. Giles, who had been foremost in every attack upon the Judiciary, and would certainly lead the new one; but Giles was not the confidant of a secret,—the idea was common, as Marshall knew. The little society that swarmed in the court-room and in the streets of Richmond could see without an effort that the President courted a challenge from Marshall, and that the chief-justice on his side, for a second or third time, welcomed a trial of skill and address with the President. If Marshall was in truth the gloomy and malignant conspirator that Jefferson imagined him to be, he might easily excuse or justify the President's intended course.

Punctually, May 22, the next act began. The question of commitment had been a matter of no great consequence; that of indictment was vital. Burr must be indicted, not merely for misdemeanor, but for treason; and to leave no doubt of success, the government summoned a cloud of witnesses to appear before the grand jury. The town swarmed with conspirators and government agents. The grand jury—containing some of the most respected citizens of Virginia—was sworn, and the court instructed the clerk to place John Randolph as foreman. A long delay ensued. General Wilkinson, the most important witness for government, was on his way from New Orleans; and while waiting his arrival from day to day, the grand jury took evidence and the court listened to the disputes of counsel. The district-attorney moved to commit Burr on the charge of

treason, while Burr on his side moved for a subpoena *duces tecum* to be directed to the President, requiring him to produce certain papers in evidence. This motion was evidently part of a system adopted by the defence for annoying and throwing odium on the Executive, — a system which Burr's counsel rather avowed than concealed, by declaiming against the despotism of government and the persecution of which Burr was a victim. Luther Martin, at the first moment of his appearance in court, launched into an invective against Jefferson: —

“ The President has undertaken to prejudge my client by declaring that ‘ of his guilt there can be no doubt.’ He has assumed the knowledge of the Supreme Being himself, and pretended to search the heart of my highly respected friend. He has proclaimed him a traitor in the face of that country which has rewarded him. He has let slip the dogs of war, the hell-hounds of persecution, to hunt down my friend. And would this President of the United States, who has raised all this absurd clamor, pretend to keep back the papers which are wanted for this trial, where life itself is at stake? ”

A long argument followed. Hay, while admitting that the President might be generally subpoenaed as a witness, held that no need of a subpoena had been shown, and that in any case a subpoena *duces tecum* ought not to be issued. The chief-justice, after hearing counsel on both sides, read June 13 an elaborate decision, which settled the point in Burr's favor.

“If upon any principle,” said he, “the President could be construed to stand exempt from the general provisions of the Constitution, it would be because his duties as chief magistrate demand his whole time for national objects. But it is apparent that this demand is not unremitting; and if it should exist at the time when his attendance on a court is required, it would be sworn on the return of the subpoena, and would rather constitute a reason for not obeying the process of the court than a reason against its being issued. . . . It cannot be denied that to issue a subpoena to a person filling the exalted station of the chief magistrate is a duty which would be dispensed with much more cheerfully than it would be performed; but if it be a duty, the court can have no choice in the case.”

Nothing could irritate Jefferson more sensibly than this decision. Only a few months before, in the trial of Smith and Ogden for complicity with Miranda, he had ordered his Cabinet to disregard the summons of the court. Luther Martin did not fail to fling reproach on him for this act. “In New York, on the farcical trial of Ogden and Smith, the officers of the government screened themselves from attending, under the sanction of the President’s name. Perhaps the same farce may be repeated here.” To be insulted by Martin and to be ordered about the country by Marshall, exasperated Jefferson beyond reason. He wrote letter after letter to Hay, filled with resentment:—

“The leading feature of our Constitution is the independence of the Legislature, Executive, and Judiciary of

each other; and none are more jealous of this than the Judiciary. But would the Executive be independent of the Judiciary if he were subject to the *commands* of the latter, and to imprisonment for disobedience; if the smaller courts could bandy him from pillar to post, keep him constantly trudging from north to south and east to west, and withdraw him entirely from his executive duties?"¹

The Judiciary never admitted the propriety of this reasoning,² which was indeed no answer to Marshall's argument. Unless the President of the United States were raised above the rank of a citizen, and endowed with more than royal prerogatives, no duty could be more imperative upon him than that of lending every aid in his power to the Judiciary in a case which involved the foundations of civil society and government. No Judiciary could assume at the outset that Executive duties would necessarily be interrupted by breaking Jefferson's long visits to Monticello in order to bring him for a day to Richmond. Consciousness of this possible rejoinder disturbed the President's mind so much that he undertook to meet it in advance:—

“The Judge says ‘*it is apparent* that the President's duties as chief magistrate do not demand his whole time, and are not unremitting.’ If he alludes to our annual retirement from the seat of government during the sickly season, he should be told that such arrangements are made for carrying on the public business, at and between

¹ Jefferson to Hay, June 20, 1807; Works, v. 102.

² U. S. *vs.* Kendall, Cranch's Circuit Court Reports, v. 385.

the several stations we take, that it goes on as unremittingly there as if we were at the seat of government."

The district-attorney would hardly have dared tell this to the chief-justice, for he must have felt that Marshall would treat it as an admission. If arrangements could be made for carrying on the public business at Monticello, why could they not be made for carrying it on at Richmond?

Perhaps temper had more to do with Jefferson's reasoning than he imagined. Nothing could be better calculated to nettle a philosophic President who believed the world, except within his own domain, to be too much governed, than the charge that he himself had played the despot and had trampled upon private rights; but that such charges should be pressed with the coarseness of Luther Martin, and should depend on the rulings of John Marshall, seemed an intolerable outrage on the purity of Jefferson's intentions. In such cases an explosion of anger was a common form of relief. Even President Washington was said to have sometimes dashed his hat upon the ground, and the second President was famous for gusts of temper.

"I have heard, indeed," wrote Jefferson,¹ "that my predecessor sometimes decided things against his Council by dashing and trampling his wig on the floor. This only proves, what you and I knew, that he had a better heart than head."

¹ Jefferson to William Short, June 12, 1807; Works, v. 93. Cf. Jefferson MSS.

Wigs were Federalist symbols of dignity and power. Republicans wore no wigs, and could use no such resource in moments of rage; but had President Jefferson worn the full paraphernalia of Federalism, — wig and powder, cocked hat and small sword, — he would never have shown his passion in acts of violence or in physical excitement. His sensitiveness relieved itself in irritability and complaints, in threats forgotten as soon as uttered, or in reflections tinged with a color of philosophic thought. His first impulse was to retaliate upon Martin and thrust him into the criminal dock. He wrote to Hay,¹ —

“ Shall we move to commit Luther Martin as *particeps criminis* with Burr? Graybell will fix upon him misprision of treason at least. And at any rate his evidence will put down this unprincipled and impudent Federal bulldog, and add another proof that the most clamorous defenders of Burr are all his accomplices.”

To the attorney-general he wrote in the same words:² “ I think it material to break down this bulldog of Federalism.” Jefferson’s irritation rarely lasted long, and it evaporated with these words. Martin railed unmolested.

No one fretted by personal feeling could cope with the Rhadamanthine calm of John Marshall. The President could not successfully strike back; he was fortunate if he should succeed in warding off his enemies’ blows. In the midst of these controversies and

¹ Jefferson to Hay, June 19, 1807; Works, v. 98.

² Jefferson to Rodney, June 19, 1807; Jefferson MSS.

irritations, June 15, General Wilkinson arrived. The audiences which in those days still crowded to the theatre and laughed at the extraordinary wit and morality of the "Beggar's Opera," found none of its possible allusions more amusing than the often-quoted line which seemed meant to point at James Wilkinson. "That Jemmy Twitcher should peach me, I own surprised me. 'Tis a plain proof that the world is all alike, and that even our gang can no more trust one another than other people." Wilkinson had not a friend; even Daniel Clark turned against him. To break him down, to prove by his own confession that he was a pensioner of Spain and an accomplice with Burr, was the known object of the defence; but the disgrace of Wilkinson would also discredit the President and shake the Administration which Wilkinson had saved. Whatever the consequences might be, Jefferson could not allow Wilkinson to suffer.

When Major Bruff, of the artillery, came from St. Louis to Washington early in March, 1807, three months before Burr's indictment, he made bitter complaints to the Secretary of War, accusing the general, under whose orders he served, of being a spy of Spain and a traitor with Burr.¹ General Dearborn listened without contradiction, and replied that there had been a time when General Wilkinson did not stand well with the Executive, but his energetic measures at

¹ Major Bruff's Testimony, Burr's Trial; *Annals of Congress*, 1807-1808, pp. 598-600.

New Orleans had regained him Executive confidence, and the President would sustain him; that after the actual bustle was over there might perhaps be an inquiry, but meanwhile Wilkinson must and would be supported. Attorney-General Rodney went even further.

“What would be the result,” he asked Bruff, “if all your charges against General Wilkinson should be proven? Why, just what the Federalists and the enemies of the present Administration wish, — it would turn the indignation of the people from Burr on Wilkinson. Burr would escape, and Wilkinson take his place.”

Rodney did not add, what was patent to all the world, that if Wilkinson were to be convicted, President Jefferson himself, whose negligence had left the Western country, in spite of a thousand warnings, at the General's mercy, could not be saved from the roughest handling. The President and his Cabinet shrank from Marshall's subpœnas because under the examination of Wickham, Botts, and Luther Martin they would be forced either to make common cause with the General, or to admit their own negligence. The whole case hung together. Disobedience of the subpœna was necessary for the support of Wilkinson; support of Wilkinson was more than ever necessary after refusing to obey the subpœna. The President accepted his full share in the labor. No sooner did he hear of Wilkinson's arrival, at the moment when his own subpœna was issued and defied, than he wrote a letter cal-

culated to give the General all the confidence he needed:¹ —

“Your enemies have filled the public ear with slanders and your mind with trouble on that account. The establishment of their guilt will let the world see what they ought to think of their clamors; it will dissipate the doubts of those who doubted for want of knowledge, and will place you on higher ground in the public estimate and public confidence. No one is more sensible than myself of the injustice which has been aimed at you. Accept, I pray you, my salutations and assurances of respect and esteem.”

As an American citizen Jefferson had the right to respect and esteem whom he pleased, and need not even excuse his friendships. The world often loved and cherished its worst rogues,—its Falstaffs, Macbeths, and Burrs,—and Jefferson was not exempt from such weakness; but that his respect and esteem for Wilkinson should require him to retain a pensioned Spanish spy and a confederate with Burr and Dayton at the head of the United States army during several years of extreme public danger, was a costly consequence to the people whose confidence Jefferson claimed and held. John Randolph saw this point clearly, and his bloodhound instinct detected and followed, without hesitation, the trail that led to the White House. Whether the chief-justice intended it or not, he never struck Jefferson a blow so mischievous as when he directed the clerk to place

¹ Jefferson to Wilkinson, June 21, 1807; Works, v. 109.

John Randolph as foreman of the grand jury.¹ Randolph's nature revolted from Wilkinson; and if the President and the General could be gibbeted together, Randolph was the man to do it.

Such was the situation when the General was sworn and sent before the grand jury June 15, where his appearance, if his enemy could be believed, was abject.

“Under examination all was confusion of language and of looks,” wrote Randolph to Nicholson.² “Such a countenance never did I behold; there was scarcely a variance of opinion among us as to his guilt. Yet this miscreant is hugged to the bosom of Government while Monroe is denounced.”

Randolph ardently wished to indict the General at the same time with Burr; and while he strained every nerve to effect this purpose in the grand-jury room, Burr and his counsel in the court-room moved for an attachment against Wilkinson for attempting to obstruct the free course of justice by oppression of witnesses. The district-attorney resisted both attempts with all his authority; and June 24, to the disappointment of his enemies, Wilkinson escaped.

“Yesterday,” wrote Randolph, June 25,³ “the grand jury found bills for treason and misdemeanor against Burr and Blennerhassett *una voce*, and this day presented

¹ Wilkinson's Memoirs, ii. 6.

² Randolph to Nicholson, June 28, 1807; Nicholson MSS.

³ Randolph to Nicholson, June 25, 1807; Nicholson MSS.

Jonathan Dayton, ex-senator, John Smith of Ohio, Comfort Tyler, Israel Smith of New York, and Davis Floyd of Indiana, for treason; but the mammoth of iniquity escaped, — not that any man pretended to think him innocent, but upon certain wire-drawn distinctions that I will not pester you with. Wilkinson is the only man that I ever saw who was from the bark to the very core a villain. The proof is unquestionable; but, my good friend, I cannot enter upon it here. Suffice it to say that I have seen it, and that it is not susceptible of misconstruction. Burr supported himself with great fortitude. He was last night lodged in the common town jail (we have no State prison except for convicts), where I daresay he slept sounder than I did. Perhaps you never saw human nature in so degraded a situation as in the person of Wilkinson before the grand jury; and yet this man stands on the very summit and pinnacle of Executive favor, while James Monroe is denounced.”

In the debates of the next session, when Randolph followed up his attacks on Jefferson by trying to identify him with Wilkinson’s misdeeds, a fuller account was given of the plea which saved Wilkinson from presentment.

“There was before the grand jury,” said Randolph,¹ “a motion to present General Wilkinson for misprision of treason. This motion was overruled upon this ground, — that the treasonable (overt) act having been alleged to be committed in the State of Ohio, and General Wilkinson’s letter to the President of the United States hav-

¹ Annals of Congress, Jan. 11, 1808; Session of 1807–1808, n. 1397.

ing been dated, though but a short time, prior to that act, this person had the benefit of what lawyers would call a legal exception, or a fraud; but I will inform the gentleman that I did not hear a single member of the grand jury express any other opinion than that which I myself expressed, of the moral, not of the legal, guilt of the party."

In the evidence taken by a Congressional committee in 1811 regarding Wilkinson,¹ several members of the grand jury were called to testify; and their accounts showed that the motion to present General Wilkinson for misprision of treason was made by Littleton W. Tazewell, and supported by Randolph and three or four other members of the grand jury. One witness thought that the vote stood 9 to 7.

Narrow though the loophole might be, Wilkinson squeezed through it. The indictment of Burr was at length obtained. The conspirators, who had at first vehemently averred that Wilkinson would never dare to appear, and who if he should appear intended to break him down before the grand jury, were reduced to hoping for revenge when he should come on the witness-stand. Meanwhile, June 26, Burr pleaded not guilty, and the court adjourned until August 3, when the trial was to begin.

Thus far the President had carried everything be-

¹ Report of the Committee appointed to inquire into the Conduct of General Wilkinson, Feb. 26, 1811, pp. 281, 298. Cf. *National Intelligencer*, Aug. 3, 1807.

fore him. He had produced his witnesses, had sustained Wilkinson, indicted Burr, and defied Marshall's subpoenas. This success could not be won without rousing passion. Richmond was in the hands of the conspirators, and they denounced Jefferson publicly and without mercy, as they denounced Wilkinson and every other government officer.

"As I was crossing the court-house green," said an eye-witness,¹ "I heard a great noise of haranguing some distance off. Inquiring what it was, I was told it was a great blackguard from Tennessee, one Andrew Jackson, making a speech for Burr and damning Jefferson as a persecutor."

Hay wrote to the President, June 14:² —

"General Jackson, of Tennessee, has been here ever since the 22d, denouncing Wilkinson in the coarsest terms in every company. The latter showed me a paper which at once explained the motive of this incessant hostility. His own character depends on the prostration of Wilkinson's."

This paper was no doubt Jackson's secret denunciation to Claiborne. Young Samuel Swartwout, who had some reason to complain of the ridiculous figure he had been made to cut, jostled Wilkinson in the street, and ended by posting him for a coward. John Randolph echoed Luther Martin's tirades against the President. Randolph was in despair at Jefferson's success.

¹ Parton's *Life of Burr*, ii. 107.

² Hay to Jefferson, June 14, 1807; Jefferson MSS.

“ My friend,” he wrote to Nicholson,¹ “ I am standing on the soil of my native country divested of every right for which our fathers bled. Politics have usurped the place of law, and the scenes of 1798 are again revived. Men now see and hear, and feel and think, *politically*. Maxims are now advanced and advocated which would almost have staggered the effrontery of Bayard or the cooler impudence of Chauncey Goodrich when we were first acquainted.”

All this work was but skirmishing. The true struggle had still to come. So long as the President dealt only with grand jurors and indictments, he could hardly fail to succeed; but the case was different when he dealt directly with Chief-Justice Marshall and with the stubborn words of the Constitution, that “ no person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.” The district-attorney was ready with a mass of evidence, but the chief-justice alone could say whether a syllable of this evidence should be admitted; and hitherto the chief-justice had by no means shown a bias toward the government. Hay was convinced that Marshall meant to protect Burr, and he wrote to the President on the subject:² —

“ The bias of Judge Marshall is as obvious as if it was stamped upon his forehead. I may do him injustice, but

¹ Randolph to Nicholson, June 25, 1807; Adams's Randolph, p. 221.

² Hay to Jefferson, Aug. 11, 1807; Jefferson MSS.

I do not believe that I am, when I say that he is endeavoring to work himself up to a state of f[irmness?] which will enable [him] to aid Burr throughout the trial without appearing to be conscious of doing wrong. He seems to think that his reputation is irretrievably gone, and that he has now nothing to lose by doing as he pleases. His concern for Mr. Burr is wonderful. He told me many years ago, when Burr was rising in the estimation of the Republican party, that he was as profligate in principle as he was desperate in fortune. I remember his words; they astonished me. Yet when the grand jury brought in their bill, the chief-justice gazed at him for a long time, without appearing conscious that he was doing so, with an expression of sympathy and sorrow as strong as the human countenance can exhibit without palpable emotion."

August 3 the court opened its session and the trial began. Not until August 17 was the jury impanelled; and meanwhile a new figure appeared at Burr's side. Blennerhassett arrived in Richmond August 4, and was brought before the court August 10. He began at once a private journal of the trial, which remained the only record of what passed among the conspirators. As each witness appeared, Blennerhassett told the gossip regarding him.

"The once redoubted Eaton,"¹ who was put first upon the stand, "has dwindled down in the eyes of this sarcastic town into a ridiculous mountebank, strutting about the streets under a tremendous hat, with a Turkish sash over colored clothes, when he is not tipping in the

¹ Blennerhassett Papers, p. 315.

taverns, where he offers up with his libations the bitter effusions of his sorrows."

"Old sly-boots" Dayton,¹ he said, was lurking about corners.

Wilkinson ² "exhibited the manner of a sergeant under a court-martial rather than the demeanor of an accusing officer confronted with his culprit. His perplexity and derangement, even upon his direct examination, has placed beyond all doubt 'his honor as a soldier and his fidelity as a citizen.'"

These comments were sharp, yet the pages of Blennerhassett's diary were not so severe upon any of the witnesses for the government as they were upon Burr himself. Blennerhassett had wakened to the discovery that Burr was, after all, but a vulgar swindler. The collapse of Burr's courage when confronted by Cowles Meade and the Mississippi militia at Cole's Creek January 17; his desertion of Blennerhassett and his flight toward Spanish territory; the protest of the bills which he had drawn on pretended funds in New York, and which Blennerhassett had indorsed under Allston's guaranty; the evident wish of Allston to repudiate this guaranty as he had repudiated Burr; and the ruin which had fallen on Blennerhassett's property at the island,—taught the Irishman how thoroughly he had been duped:³—

¹ Blennerhassett Papers, p. 397.

² Blennerhassett Papers, p. 422.

³ Blennerhassett Papers, p. 373.

“The present trial cannot fail to furnish ample testimony, if not to the guilt, at least to the defect of every talent under the assumption of which this giddy adventurer has seduced so many followers of riper experience and better judgment than myself.”

Yet Burr's mastership in deportment, his superficial dignity, his cheerfulness and sanguine temperament, and the skill with which he managed legal tactics, made an impression on Blennerhassett's mind:—

“As a jockey might restore his fame in the course after he had injured it on the tight-rope, so, perhaps, the little ‘Emperor’ at Cole's Creek may be forgotten in the attorney at Richmond.”¹

For a few days the trial went on undisturbed, while the government put Eaton, Truxton, Peter Taylor, the Morgans, and a number of other witnesses on the stand to prove an overt act of treason at Blennerhassett's island; but nothing short of Blennerhassett's own confession could place the matter in a clear light, and Burr's chief fear was evidently that Blennerhassett should turn State's evidence. To prevent this, Allston was persuaded to pay the more pressing demands against Blennerhassett, and Burr exerted himself to conciliate him. On the other hand, Jefferson seemed to hope that he could be won over.² Duane, of the “Aurora,” visited him in prison August 23, and offered to serve as an intermediary

¹ Blennerhassett Papers, p. 343.

² Jefferson to Hay, Aug. 20. 1807; Works, v. 174.

with the government.¹ Had matters gone as the President hoped, something might have come of this manœuvre; but before further pressure could be employed, the chief-justice struck the prosecution dead.

August 19 Burr's counsel suddenly moved to arrest the evidence. The government, they said, had gone through all its testimony relating to the overt act charged in the indictment; it admitted that Burr was hundreds of miles distant from the scene; and as the district-attorney was about to introduce collateral testimony of acts done beyond the jurisdiction of the court, it became the duty of the defence to object.

For ten days this vital point was argued. All the counsel on either side exerted themselves to the utmost. Wickham's opening speech on the nature of treason was declared by as good a judge as Littleton Tazewell to be "the greatest forensic effort of the American bar."² Luther Martin spoke fourteen hours, beginning with an almost passionate allusion to his idol Theodosia. William Wirt exhausted his powers of argument and oratory, and in the course of his address made the rhetorical display which became familiar to every American, and which introduced a sort of appeal to Blennerhassett to turn against the more guilty crew who were trying to sacrifice him to save themselves:—

¹ Blennerhassett Papers, p. 356.

² Grigsby's Tazewell, p. 73.

“Who is Blennerhassett? A native of Ireland, a man of letters, who fled from the storms of his own country to find quiet in ours.”

George Hay was neither so efficient nor so dexterous as Wirt, and either intentionally or by awkwardness succeeded in giving the impression of threatening the court: ¹—

“Mr. Bott says that we are now advocating opinions which on Fries’ trial we condemned. . . . I beg leave to assure the gentleman that the censure which the judge drew on himself was not on account of his opinions, however incorrect they might be, but for his arbitrary and irregular conduct at the trial, which was one of the principal causes for which he was afterward impeached. He attempted to wrest the decision from the jury, and prejudge the case before hearing all the evidence in it, — the identical thing which this court is now called on by these gentlemen to do.”

That Hay, knowing well Jefferson’s thoughts and the magic that hung about the word “impeachment,” should have used these words inadvertently seemed hardly credible. If he did so, his clumsiness was as offensive as the threat could have been, for the idea of impeachment was in the air of the court-house. Burr’s counsel at once retaliated.² “It was very kind of the gentleman to remind the court of the danger of a decision of the motion in favor of the prisoner.” Hay protested that he had spoken innocently, and the chief-justice said

¹ Burr’s Trial, ii. 193.

² Burr’s Trial, ii. 238.

that the allusion had not been taken as personal ; but the unpleasant impression remained. "The gentleman plainly insinuated the possibility of danger to the court," persisted the defence ; and Luther Martin added,¹—

"I do not know whether it were intended by this observation that your honors should be apprehensive of an impeachment in case you should decide against the wishes of the government. I will not presume that it was used with that view, but it is susceptible of being so misunderstood, however innocently or inadvertently it may have been made."

August 31 the chief-justice read his decision. Much the longest of Marshall's judicial opinions ; elaborately argued, with many citations, and with less simple adherence to one leading thought than was usual in his logic,—this paper seemed, in the imagination of Marshall's enemies, to betray a painful effort to reconcile his dictum in *Bollman's* case with the exclusion of further evidence in the case of Burr. To laymen, who knew only the uncertainties of law ; who thought that the assemblage on *Blennerhassett's* island was such an overt act as might, without violent impropriety, be held by a jury to be an act of levying war ; and who conceived that Burr, although absent from the spot, was as principal present in a legal sense such as would excuse a jury in finding him guilty,—an uneasy doubt could not fail to suggest itself that the chief-justice, with an equal effort of

¹ Burr's Trial, ii. 369.

ingenuity, might have produced equal conviction in a directly opposite result. On the other hand, the intent of the Constitution was clear. The men who framed that instrument remembered the crimes that had been perpetrated under the pretence of justice ; for the most part they had been traitors themselves, and having risked their necks under the law they feared despotism and arbitrary power more than they feared treason. No one could doubt that their sympathies, at least in 1788, when the Constitution was framed, would have been on the side of Marshall's decision. If Jefferson, since 1788, had changed his point of view, the chief-justice was not under obligations to imitate him.

“ If it be said that the advising or procurement of treason is a secret transaction which can scarcely ever be proved in the manner required by this opinion, the answer which will readily suggest itself is that the difficulty of proving a fact will not justify conviction without proof.”

At the close of his decision the chief-justice, with simple dignity which still compels respectful admiration, took up the gauntlet which the district-attorney had flung at his feet. As though turning from the crowd in the court-room to look for a moment directly into the eyes of the President, the threatened chief-justice uttered a few words that were at once answer and defiance :—

“ Much has been said in the course of the argument on points on which the Court feels no inclination to comment

particularly, but which may perhaps not improperly receive some notice.

“That this Court dares not usurp power is most true; that this Court dares not shrink from its duty is not less true. No man is desirous of placing himself in a disagreeable situation; no man is desirous of becoming the peculiar subject of calumny; no man, might he let the bitter cup pass from him without self-reproach, would drain it to the bottom; but if he has no choice in the case, — if there is no alternative presented to him but a dereliction of duty or the opprobrium of those who are denominated the world, — he merits the contempt as well as the indignation of his country who can hesitate which to embrace. . . .

“No testimony relative to the conduct or declarations of the prisoner elsewhere and subsequent to the transactions on Blennerhassett’s island can be admitted; because such testimony, being in its nature merely corroborative, and incompetent to prove the overt act in itself, is irrelevant until there be proof of the overt act by two witnesses.”

On the following day, September 1, District-Attorney Hay abandoned the case, and the jury entered a verdict of “Not guilty.” Hay instantly reported to Monticello the result of his efforts, and added criticisms upon Marshall:¹ —

“Wirt, who has hitherto advocated the *integrity* of the chief-justice, now abandons him. This last opinion has opened his eyes, and he speaks in the strongest terms of reprobation.”

¹ Hay to Jefferson, Sept. 1, 1807; Jefferson MSS.

September 4 Jefferson replied in the tone which always accompanied his vexation:¹—

“Yours of the 1st came to hand yesterday. The event has been what was evidently intended from the beginning of the trial; that is to say, not only to clear Burr, but to prevent the evidence from ever going before the world. But this latter case must not take place. It is now, therefore, more than ever indispensable that not a single witness be paid or permitted to depart until his testimony has been committed to writing. . . . These whole proceedings will be laid before Congress, that they may decide whether the defect has been in the evidence of guilt, or in the law, or in the application of the law, and that they may provide the proper remedy for the past and the future.”

Accordingly, although the trial for treason was at an end, the district-attorney pressed the indictment for misdemeanor; and until October 19 the chief-justice was occupied in hearing testimony intended for use not against Burr, but against himself. Then at last the conspirators were suffered to go their way, subject to legal proceedings in Ohio which the government had no idea of prosecuting; while the President, mortified and angry, prepared to pursue Marshall instead of Burr. The Federalists, who always over-rated the strength of party passions, trembled again for the Judiciary; but in truth nothing was to be feared. The days of Jefferson's power and glory had passed forever, while those of Marshall had barely

¹ Jefferson to Hay, Sept. 4, 1807; Works, v. 187. Cf. Jefferson MSS.

begun. Even on the testimony, the President's case was far from being so clear as he had hoped and expected. His chief witness, Wilkinson, could only with difficulty be sustained; and the district-attorney, who began by pledging himself before the court to show the falsity of the charges which had been brought against the General, ended by admitting their truth.

“The declaration which I made in court in his favor some time ago,” wrote Hay to the President at the close,¹ “was precipitate; and though I have not retracted it, everybody sees that I have not attempted the task which I in fact promised to perform. My confidence in him is shaken, if not destroyed. I am sorry for it, on his own account, on the public account, and because you have expressed opinions in his favor; but you did not know then what you will soon know, and what I did not learn until after — long after — my declaration above mentioned.”

The hint was strong. If Wilkinson were discredited, Jefferson himself was in danger. To attack the Supreme Court on such evidence was to invite a worse defeat than in the impeachment of Chase. Meanwhile the country had graver dangers to think about, and enemies at its doors who were not to be curbed by proclamations or impeachments.

¹ Hay to Jefferson, Oct. 15, 1807; Jefferson MSS.

BOOK IV

HISTORY OF THE UNITED STATES.

CHAPTER I.

JUNE 22, 1807, while Jefferson at Washington was fuming over Chief-Justice Marshall's subpoena, and while the grand jury at Richmond were on the point of finding their indictment against Burr, an event occurred at sea, off the entrance to Chesapeake Bay, which threw the country into violent excitement, distracting attention from Burr, and putting to a supreme test the theories of Jefferson's statesmanship.

That the accident which then happened should not have happened long before was matter for wonder, considering the arbitrary character of British naval officers and their small regard for neutral rights. For many years the open encouragement offered to the desertion of British seamen in American ports had caused extreme annoyance to the royal navy; and nowhere had this trouble been more serious than at Norfolk. Early in 1807 a British squadron happened to be lying within the Capes watching for some French frigates which had taken refuge at Annapolis.

One or more of these British ships lay occasionally in Hampton Roads, or came to the navy-yard at Gosport for necessary repairs. Desertions were of course numerous; even the American ships-of-war had much difficulty from loss of men,—and March 7 a whole boat's crew of the British sixteen-gun sloop "Halifax" made off with the jolly-boat and escaped to Norfolk. The commander of the "Halifax" was informed that these men had enlisted in the American frigate "Chesapeake," then under orders for the Mediterranean. He complained to the British consul and to Captain Decatur, but could get no redress. He met two of the deserters in the streets of Norfolk, and asked them why they did not return. One of them, Jenkin Ratford by name, replied, with abuse and oaths, that he was in the land of liberty and would do as he liked. The British minister at Washington also made complaint that three deserters from the "Melampus" frigate had enlisted on the "Chesapeake." The Secretary of the Navy ordered an inquiry, which proved that the three men in question, one of whom was a negro, were in fact on board the "Chesapeake," but that they were native Americans who had been improperly impressed by the "Melampus," and therefore were not subjects for reclamation by the British government. The nationality was admitted, and so far as these men were concerned the answer was final; but the presence of Jenkin Ratford, an Englishman, on board the "Chesapeake" under the name of Wilson escaped notice.

The admiral in command of the British ships on the North American station was George Cranfield Berkeley, a brother of the Earl of Berkeley. To him, at Halifax, the British officers in Chesapeake Bay reported their grievances; and Admiral Berkeley, without waiting for authority from England, issued the following orders, addressed to all the ships under his command: —

“Whereas many seamen, subjects of his Britannic Majesty, and serving in his ships and vessels as per margin [“Bellona,” “Belleisle,” “Triumph,” “Chichester,” “Halifax,” “Zenobia”], while at anchor in the Chesapeake, deserted and entered on board the United States frigate called the ‘Chesapeake,’ and openly paraded the streets of Norfolk, in sight of their officers, under the American flag, protected by the magistrates of the town and the recruiting officer belonging to the above-mentioned American frigate, which magistrates and naval officer refused giving them up, although demanded by his Britannic Majesty’s consul, as well as the captains of the ships from which the said men had deserted:

“The captains and commanders of his Majesty’s ships and vessels under my command are therefore hereby required and directed, in case of meeting with the American frigate ‘Chesapeake’ at sea, and without the limits of the United States, to show to the captain of her this order, and to require to search his ship for the deserters from the before-mentioned ships, and to proceed and search for the same; and if a similar demand should be made by the American, he is to be permitted to search for any deserters from their service, according to the customs and usage of civilized nations on terms of peace and amity with each other.”

The admiral's conception of the "customs and usage of civilized nations" did not expressly require the use of force; and any captain or commander who received this circular must at once have asked whether, in case the American captain should refuse to allow a search, — as was certain, — force should be employed. The order, dated June 1, 1807, was sent to Chesapeake Bay by the frigate "Leopard," commanded by Captain S. P. Humphreys; and since the "Leopard" was the admiral's flagship, Captain Humphreys was probably acquainted with the meaning of his instructions. The "Leopard" arrived at Lynnhaven on the morning of June 21; and Captain Humphreys reported his arrival and orders to Captain John Erskine Douglas of the "Bellona," a line-of-battle ship, then lying with the "Melampus" frigate in Lynnhaven Bay, enjoying the hospitality of the American government. Apparently Captain Douglas carried verbal explanations of the order from Captain Humphreys, for he made no attempt to qualify its extremest meaning. The "Leopard" remained twenty-four hours with the "Bellona," while the two commanders were in consultation. The next morning, June 22, at 4 A.M., the "Leopard" made sail,¹ and two hours later re-anchored a few miles to the eastward, and about three miles north of Cape Henry Lighthouse.

The "Chesapeake," during the difficulties at Norfolk and afterward, lay in the Eastern Branch at Wash-

¹ James's Naval History, iv. 329.

ington. The inefficiency of the Government in doing those duties which governments had hitherto been created to perform, was shown even more strikingly in the story of the "Chesapeake" than in the conspiracy of Burr. The frigate "Constitution" had sailed for the Mediterranean in August, 1803. The Government knew that her crew were entitled to their discharge, and that the President had no right to withhold it. The country was at peace; no emergency of any kind existed. A single ship of about one thousand tons burden needed to be fitted for sea at a date fixed three years beforehand; yet when the time came and the "Constitution" ought to have reached home, the "Chesapeake" had not so much as begun preparation. Captain James Barron was selected to command her as commodore of the Mediterranean squadron; Captain Charles Gordon—a native of the eastern shore of Maryland, the youngest master-commandant on the list—was appointed as her captain. Both were good officers and seamen; but Gordon received his orders only February 22, and could not take command until May 1,—long after he should have reached Gibraltar. Such was the inefficiency of the navy-yard at Washington that although the Secretary of the Navy had the "Chesapeake" under his eye and was most anxious to fit her out, and although Gordon fretted incessantly, making bitter complaints of delay, the frigate still remained in the mechanics' hands until the month of May. According to Commodore Barron the Washington

navy-yard was more than incompetent.¹ "I have long known," he claimed to have written, "the perverse disposition of the rulers of that establishment." Yet he urged Gordon to complete his outfit at Washington, because the Norfolk yard was worse.² "I would by no means advise your leaving the navy-yard with any unfinished work and depend on Norfolk. You will experience more difficulty and trouble than you can imagine." As Burr's trial showed that the army was honeycombed by incompetence and conspiracy, so Barron's court-martial proved that nothing in naval administration could be depended upon.

For much of this, Congress and the people were responsible, and they accepted their own feebleness as the necessary consequence of a system which acted through other agencies than force; but much was also due to the Administration and to the President's instincts, which held him aloof from direct contact with both services. Jefferson did not love the deck of a man-of-war or enjoy the sound of a boatswain's whistle. The ocean was not his element; and his appetite for knowledge never led him to criticise the management of his frigates or his regiments so long as he could shut his eyes to their shortcomings. Thus while Wilkinson was left at his own pleasure to create or to stifle a rebellion at New Orleans, the crew of the "Constitution" were in a state of mutiny

¹ Barron's Court-martial, p. 241.

² Barron to Gordon, May 1, 1807; Court-martial, p. 239.

in the Mediterranean, and the officers of the "Chesapeake" were helpless under the control of the navy-yard at Washington.

At length, in the earliest days of June, Gordon dropped down the Potomac. The "Chesapeake" was to carry on this cruise an armament of forty guns,—twenty-eight 18-pounders and twelve 32-pound carronades; but owing to the shoals in the river she took but twelve guns on board at Washington, the rest waiting her arrival at Norfolk. With these twelve guns Gordon tried to fire the customary salute in passing Mount Vernon; and he wrote to the secretary in exasperation at the result of this first experience:¹—

"Had we been engaged in an active war I should suspect the officers of the yard with having a design on my character; but fortunately Mount Vernon drew our attention to the guns before we could apprehend any danger from an enemy. In the act of saluting that place I was struck with astonishment when the first lieutenant reported to me that neither the sponges nor cartridges would go in the guns. I immediately arrested my gunner; but on his satisfying me that he had received them from the gunner of the yard I released him, and hold Mr. Stevenson responsible."

The mistakes were easily corrected, and the ship arrived in Hampton Roads without further incident. Commodore Barron, who first came aboard June 6,

¹ Captain Gordon to the Secretary of the Navy, June 22, 1807; Court-martial, p. 259.

wrote¹ at once to the secretary, "that from the extreme cleanliness and order in which I found her I am convinced that Captain Gordon and his officers must have used great exertions. Captain Gordon speaks in high terms of his lieutenants. The state of the ship proves the justice of his encomiums."

Nevertheless much remained to be done, and in spite of the secretary's urgency the ship was still delayed in Hampton Roads. From June 6 to June 19, notwithstanding bad weather, the whole ship's company were hard worked. The guns were taken on board and fitted; water was got in; spars and rigging had to be overhauled, and stores for four hundred men on a three-years cruise were shipped. June 19 the guns were all fitted, and the crew could for the first time be assigned to their stations at quarters. According to the custom of the service, the guns were charged with powder and shot. They had no locks, and were fired by the old-fashioned slow-match, or by loggerheads kept in the magazine and heated red-hot in the galley fire whenever need for them arose.

June 19 Captain Gordon considered the ship ready for sea, and wrote to the commodore on shore,² "We are unmoored and ready for weighing the first fair wind." Both Captain Gordon and Commodore Barron were aware that the decks were more or less

¹ Barron to the Secretary of the Navy, June 6, 1807; *Court-martial*, p. 371.

² Gordon to Barron, June 19, 1807, p. 367.

encumbered, and that the crew had not been exercised at the guns ; but they were not warranted in detaining her on that account, especially since the guns could be better exercised at sea, and the ship was already four months behind time. Accordingly, June 21, Commodore Barron came on board, and at four o'clock in the afternoon the "Chesapeake" weighed anchor and stood down the Roads ; at six o'clock she came to, dropped anchor, called all hands to quarters, and prepared to start for sea the next morning. From Lynnhaven Bay the "Leopard," which had arrived from Halifax only a few hours before, could watch every movement of the American frigate.

At a quarter-past seven o'clock on the morning of June 22 the "Chesapeake" got under way with a fair breeze. Her ship's company numbered three hundred and seventy-five men and boys, all told, but, as was not uncommon in leaving port, much sickness prevailed among the crew, and by the doctor's order the sick seamen were allowed to lie in the sun and air on the upper deck. The gun-deck between the guns was encumbered with lumber of one sort or another ; the cables were not yet stowed away ; four of the guns did not fit quite perfectly to their carriages, and needed a few blows with a maul to drive the trunnions home, but this defect escaped the eye ; in the magazine the gunner had reported the powder-horns, used in priming the guns, as filled, whereas only five were in fact filled. Otherwise the ship,

except for the freshness of her crew, was in fair condition.

At nine o'clock, passing Lynnhaven Bay, the officers on deck noticed the "Bellona" and "Melampus" at anchor. The "Leopard" lay farther out, and the "Bellona" was observed to be signalling. A story had been circulated at Norfolk that the captain of the "Melampus" threatened to take his deserters out of the "Chesapeake;" but rumors of this sort roused so little attention that no one on board the American frigate gave special notice to the British squadron. The "Melampus" lay quietly at anchor. Had Barron been able to read the "Bellona's" signals he would have suspected nothing, for they contained merely an order to the "Leopard" to weigh and reconnoitre in the southeast by east.¹ The British squadron was in the habit of keeping a cruiser outside to overhaul merchant-vessels; and when the "Leopard" stood out to sea, the officers of the "Chesapeake" naturally supposed that this was her errand.

At noon Cape Henry bore southwest by south, distant one or two miles. The day was fine; but the breeze then shifted to the south-southeast, and began to blow fresh. The change of wind brought the "Leopard" to windward. At about a quarter-past two the "Chesapeake" tacked in shore to wait for the pilot-boat which was to take off the pilot. The "Leopard" tacked also, about a mile distant. At the same time dinner was served at the commodore's

¹ James's Naval History, iv. 329.

table, and Barron, Gordon, Captain Hall of the marines, Dr. Bullus and his wife sat down to it. Captain Gordon afterward testified that as they were dining Commodore Barron noticed the British frigate through the larboard forward port of the cabin, and made the remark "that her movements appeared suspicious, but she could have nothing to do with us."¹ Barron positively denied ever having made the remark; but whether he said it or not, nothing more than a passing doubt occurred to him or to any other person on board. Gordon returned to his work; the crew began to stow away the cable; and at a quarter before three o'clock, the pilot-boat nearing, the "Chesapeake" again stood out to sea, the "Leopard" immediately following her tack.

At about half-past three o'clock, both ships being eight or ten miles southeast by east of Cape Henry, the "Leopard" came down before the wind, and rounding to, about half a cable's length to windward, hailed, and said she had despatches for the commodore. Barron returned the hail and replied, "We will heave to and you can send your boat on board of us." British ships-of-war on distant stations not infrequently sent despatches by the courtesy of American officers, and such a request implied no hostile purpose. British ships also arrogated a sort of right to the windward; and the "Leopard's" manœuvre, although one which no commander except an Englishman would naturally have made, roused no pecu-

¹ Court-martial, p. 101.

liar attention. The "Leopard's" ports were seen to be triced up; but the season was midsummer, the weather was fine and warm, and the frigate was in sight of her anchorage. Doubtless Barron ought not to have allowed a foreign ship-of-war to come alongside without calling his crew to quarters,—such was the general rule of the service; but the condition of the ship made it inconvenient to clear the guns, and the idea of an attack was so extravagant that, as Barron afterward said, he might as well have expected one when at anchor in Hampton Roads. After the event several officers, including Captain Gordon, affirmed that they felt suspicions; but they showed none at the time, and neither Gordon nor any one else suggested, either to the commodore or to each other, that it would be well to order the crew to quarters.

Barron went to his cabin to receive the British officer, whose boat came alongside. At a quarter before four o'clock Lieutenant Meade from the "Leopard" arrived on board, and was shown by Captain Gordon to the commodore's cabin. He delivered the following note:—

"The captain of his Britannic Majesty's ship 'Leopard' has the honor to enclose the captain of the United States ship 'Chesapeake' an order from the Honorable Vice-Admiral Berkeley, commander-in-chief of his Majesty's ships on the North American station, respecting some deserters from the ships (therein mentioned) under his command, and supposed to be now serving as part of the crew of the 'Chesapeake.'

"The captain of the 'Leopard' will not presume to say anything in addition to what the commander-in-chief has stated, more than to express a hope that every circumstance respecting them may be adjusted in a manner that the harmony subsisting between the two countries may remain undisturbed."

Having read Captain Humphrey's note, Commodore Barron took up the enclosed order signed by Admiral Berkeley. This order, as the note mentioned, designated deserters from certain ships. Barron knew that he had on board three deserters from the "Melampus," and that these three men had been the only deserters officially and regularly demanded by the British minister. His first thought was to look for the "Melampus" in the admiral's list; and on seeing that Berkeley had omitted it, Barron inferred that his own assurance would satisfy Captain Humphreys, and that the demand of search, being meant as a mere formality, would not be pressed. He explained to the British lieutenant the circumstances relating to the three men from the "Melampus," and after some consultation with Dr. Bullus, who was going out as consul to the Mediterranean, he wrote to Captain Humphreys the following reply:—

"I know of no such men as you describe. The officers that were on the recruiting service for this ship were particularly instructed by the Government, through me, not to enter any deserters from his Britannic Majesty's ships, nor do I know of any being here. I am also instructed never to permit the crew of any ship that I command

to be mustered by any other but their own officers. It is my disposition to preserve harmony, and I hope this answer to your despatch will prove satisfactory."

Such an answer to such a demand was little suited to check the energy of a British officer in carrying out his positive orders. If Barron had wished to invite an attack, he could have done nothing more to the purpose than by receiving Berkeley's orders without a movement of self-defence.

Meanwhile, at a quarter-past four the officer of the deck sent down word that the British frigate had a signal flying. The lieutenant understood it for a signal of recall, as he had been half an hour away, and as soon as the letter could be written he hurried with it to his boat. No sooner had he left the cabin than Barron sent for Gordon and showed him the letters which had passed. Although the commodore hoped that the matter was disposed of, and assumed that Captain Humphreys would give some notice in case of further action, he could not but feel a show of energy to be proper, and he directed Gordon to order the gun-deck to be cleared. Instantly the officers began to prepare the ship for action.

Had the British admiral sent the "Bellona" or some other seventy-four on this ugly errand, Barron's error would have been less serious; for the captain of a seventy-four would have felt himself strong enough to allow delay. Sending the "Leopard" was arrogance of a kind that the British navy at that time frequently displayed. In 1804, when the Spanish

treasure-ships were seized, the bitterest complaint of Spain was not that she had been made the unsuspecting victim of piracy, but that her squadron had been waylaid by one of only equal force, and could not in honor yield without a massacre which cost four ships and three hundred lives, besides the disgrace of submission to an enemy of not superior strength. The "Leopard" did indeed carry fifty-two guns, while the "Chesapeake" on this cruise carried only forty; but the "Chesapeake's" twelve carronades threw heavier shot than the "Leopard's" heaviest, and her broadside weighed 444 pounds, while that of the "Leopard" weighed 447. In tonnage the "Chesapeake" was a stronger ship and carried a larger crew than the "Leopard;" and a battle on fair terms would have been no certain victory. That Captain Humphreys felt it necessary to gain and retain every possible advantage was evident from his conduct. He could not afford to run the risk of defeat in such an undertaking; and knowing that the "Chesapeake" needed time to prepare for battle, he felt not strong enough to disregard her power of resistance, as he might have done had he commanded a ship of the line. To carry out his orders with as little loss as possible was his duty; for the consequences, not he but his admiral was to blame. Without a moment of delay, edging nearer, he hailed and cried: "Commodore Barron, you must be aware of the necessity I am under of complying with the orders of my commander-in-chief."

Hardly more than five minutes passed between the moment when the British officer left Commodore Barron's cabin and the time when Barron was hailed. To get the ship ready for action required fully half an hour. Barron, after giving the order to clear the guns, had come on deck and was standing in the gangway watching the "Leopard" with rapidly increasing anxiety, as he saw that the tompions were out of her guns and that her crew were evidently at quarters. He instantly repeated the order to prepare for battle, and told Gordon to hurry the men to their stations quietly without drum-beat. Gordon hastened down to the gun-deck with the keys of the magazine; the crew sprang to their quarters as soon as they understood the order. Barron, aware that his only chance was to gain time, remained at the gangway and replied through his trumpet: "I do not hear what you say." Captain Humphreys repeated his hail, and Barron again replied that he did not understand. The "Leopard" immediately fired a shot across the "Chesapeake's" bow;¹ a minute later another shot followed; and in two minutes more, at half-past four o'clock, the "Leopard" poured her whole broadside of solid shot and canister, at the distance of one hundred and fifty or two hundred feet, point-blank into the helpless American frigate. Before the gunner of the "Chesapeake" got to his magazine he heard the first gun from the "Leopard;" just as he opened and entered the magazine the "Leopard's" broadside was fired.

¹ James's Naval History, iv. 330.

No situation could be more trying to officers and crew than to be thus stationed at their guns without a chance to return a fire. The guns of the "Chesapeake" were loaded, but could not be discharged for want of lighted matches or heated loggerheads; and even if discharged, they could not be reloaded until ammunition should be handed from the magazine. Time was required both to clear the guns and to fire them; but the "Leopard's" first broadside was thrown just as the crew were beginning to clear the deck. The crew were fresh and untrained; but no complaint was made on this account, — all were willing enough to fight. The confusion was little greater than might have occurred under the same circumstances in the best-drilled crew afloat; and the harshest subsequent scrutiny discovered no want of discipline, except that toward the end a few men left their guns, declaring that they were ready to fight but not to be shot down like sheep. About the magazine the confusion was greatest, for a crowd of men and boys were clamoring for matches, powder-flasks, and loggerheads, while the gunner and his mates were doing their utmost to pass up what was needed; but in reasonable time all wants could have been supplied. On the upper deck both officers and men behaved well. Barron, though naturally much excited, showed both sense and courage. Standing in the open gangway fully exposed to the "Leopard's" guns, he was wounded by the first broadside, but remained either there or on the quarter-deck without noticing his

wound, while he repeatedly hailed the "Leopard" in the hope of gaining a moment's time, and sent officer after officer below to hurry the men at the guns. Neither among the officers nor among the crew was courage the resource that failed them. Many of the men on the upper deck exposed themselves unnecessarily to the flying grapeshot by standing on the guns and looking over the hammocks, till Barron ordered them down. Careful subsequent inquiry could detect no lack of gallantry except in the pilot, who when questioned as to the commodore's behavior had the manliness to confess his alarm,— "I was too bad scared myself to observe him very particularly."

The British account, which was very exact, said that the "Leopard's" fire lasted fifteen minutes,— from 4.30 to 4.45 P.M.,— during which time three full broadsides were discharged without return. No one could demand that Commodore Barron should subject his crew and ship to a longer trial when he had no hope of success. The time in which the "Leopard" could have sunk the "Chesapeake" might be a matter of doubt; but in the next battle between similar ships, five years afterward, the "Constitution," with about the "Leopard's" armament, totally disabled the "Guerriere" in less than thirty minutes, so that she sank within twenty-four hours,— though at the time of the action a heavy sea was running, and the "Guerriere" fought desperately with her whole broadside of twenty-five guns. June 22, 1807, the sea was calm; the "Leopard" lay quietly within pistol-shot; the

"Chesapeake" could not injure her; and if the "Leopard" was as well fought as the "Constitution" she should have done at least equal damage. If she did not succeed, it was not for want of trying. The official survey, taken the next day, showed twenty-two round-shot in the "Chesapeake's" hull, ten shot-holes in the sails, all three masts badly injured, the rigging much cut by grape, three men killed, eight severely and ten slightly wounded, including Commodore Barron, — which proved that of the seventy or eighty discharges from the "Leopard's" guns a large proportion took effect.

After enduring this massacre for fifteen minutes, while trying to fire back at least one gun for the honor of the ship, Commodore Barron ordered the flag to be struck. It was hauled down; and as it touched the taffrail one gun was discharged from the gun-deck sending a shot into the "Leopard." This single gun was fired by the third lieutenant, Allen, by means of a live coal which he brought in his fingers from the galley.

The boats of the "Leopard" then came on board, bringing several British officers, who mustered the ship's company. They selected the three Americans who had deserted from the "Melampus," and were therefore not included in Berkeley's order. Twelve or fifteen others were pointed out as English deserters, but these men were not taken. After a search of the ship, Jenkin Ratford was dragged out of the coal-hole; and this discovery alone saved Captain

Humphreys from the blame of committing an outrage not only lawless but purposeless. At about seven o'clock the British officers left the ship, taking with them the three Americans and Jenkin Ratford. Immediately afterward Commodore Barron sent Lieutenant Allen on board the "Leopard" with a brief letter to Captain Humphreys : —

"I consider the frigate 'Chesapeake' your prize, and am ready to deliver her to any officer authorized to receive her. By the return of the boat I shall expect your answer."

The British captain immediately replied as follows :

"Having to the utmost of my power fulfilled the instructions of my commander-in-chief, I have nothing more to desire, and must in consequence proceed to join the remainder of the squadron, — repeating that I am ready to give you every assistance in my power, and do most sincerely deplore that any lives should have been lost in the execution of a service which might have been adjusted more amicably, not only with respect to ourselves but the nations to which we respectively belong."

At eight o'clock Barron called a council of officers to consider what was best to be done with the ship, and it was unanimously decided to return to the Roads and wait orders. Disgraced, degraded, with officers and crew smarting under a humiliation that was never forgotten or forgiven, the unlucky "Chesapeake" dragged her way back to Norfolk.

There she lay for many months. Barron's wrong was in the nature of a crime. His brother officers

made severe comments on his conduct; and Captain Gordon and some of his fellow-sufferers joined in the cry. One of his harshest critics was Stephen Decatur. Public sentiment required a victim. A court of inquiry which sat at Norfolk in October reported strongly against the commodore. He was charged with neglect of duty, with having failed to prepare his ship for action, with having surrendered prematurely, with having discouraged his men; but beneath all these charges lay an unjust belief in his want of courage. After six months delay, Barron was brought before a court-martial Jan. 4, 1808, and allowed to make his defence.

The court-martial took place at Norfolk, on board the "Chesapeake," — his own ship, which recalled at every moment his disgrace. The judges were his juniors, with the single exception of Captain John Rodgers, who was president of the court. Among them sat Stephen Decatur, — a brilliant officer, but one who had still to undergo the experience of striking his flag and of hearing the world suspect his surrender to be premature. Decatur held strong opinions against Barron, and not only expressed them strongly, but also notified Barron of them in order that he might, if he pleased, exercise the privilege of challenging. Barron made no objection, and Decatur unwillingly kept his place. In other respects Barron was still more hardly treated by fortune; the first lieutenant of the "Chesapeake" had died in the interval; Dr. Bullus, whose evidence was of the utmost

importance, could not appear; Captain Gordon turned against him, and expressed the free opinion that Barron had never meant to resist; Captains Murray, Hull, and Chauncey, on the court of inquiry, had already made a hostile report; and the government prosecutor pressed every charge with a persistency that, as coming from the Department, seemed almost vindictive.

From January 4 to February 8 the court-martial tried charges against Barron, after which it continued until February 22 trying Captain Gordon, Captain Hall of the marines, and William Hook the gunner. The result of this long, searching, and severe investigation was remarkable, for it ended in a very elaborate decision¹ that Barron was blameless in every particular except one. He had not been negligent of his duty; he was not to blame for omitting to call the crew to quarters before he received Captain Humphreys' letter; he did well in getting the men to quarters secretly without drum-beat; he did not discourage his men; he had shown coolness, reflection, and personal courage under the most trying circumstances; he was right in striking his flag when he did,—but he was wrong in failing to prepare for action instantly on reading Admiral Berkeley's order; and for this mistake he was condemned to suspension for five years from the service, without pay or emoluments.

Barron had argued that although his judgment on

¹ Court-martial, pp. 337-350.

this point proved to be mistaken, it was reasonable, and in accord with his instructions. He produced the orders of the Secretary of the Navy, dated May 15, 1807, written with full knowledge that the deserters from the "Melampus" had been claimed by the British minister, and that a British squadron was lying in Chesapeake Bay. "Our interest as well as good faith requires," said the secretary, ". . . that we should cautiously avoid whatever may have a tendency to bring us into collision with any other Power." Barron urged that if he had given the order to prepare for battle as required by the court-martial, he must have detained by force the British lieutenant and his boat's crew, which would have had a direct "tendency to bring us into collision," or he must have let them go, which would have hurried the collision. He said that he had tried to gain time by keeping the appearances of confidence and good-will. He admitted that he had failed, but claimed that the failure was due to no fault which could have been corrected at that moment by those means.

The defence was open to criticism, especially because Barron himself could claim to have made no use of the time he gained. Yet perhaps, on the whole, the court-martial might have done better to punish Barron for his want of caution in permitting the British frigate to approach. This was his first error, which could not be retrieved; and Barron could hardly have complained of his punishment, even though every officer in the service knew that the rule

of going to quarters in such cases was seldom strictly observed. The President and the Secretary of the Navy could alone say whether Barron had understood their orders correctly, and whether his plea, founded on the secretary's instructions, was sound. In the light of Jefferson's diplomacy, Barron's course accorded with his instructions; and perhaps, had the President claimed his own share in the "Chesapeake's" disaster, he would have refused to degrade a faithful, able, and gallant seaman for obeying the spirit and letter of his orders. Unfortunately such an interference would have ruined the navy; and so it happened that what Jefferson had so long foreseen took place. He had maintained that the frigates were a mere invitation to attack; that they created the dangers they were built to resist, and tempted the aggressions of Great Britain, which would, but for these ships, find no object to covet; and when the prediction turned true, he was still obliged to maintain the character of the service. He approved the sentence of the court-martial.

So far as the service was concerned, Barron's punishment was not likely to stimulate its caution, for no American captain, unless he wished to be hung by his own crew at his own yard-arm, was likely ever again to let a British frigate come within gunshot without taking such precautions as he would have taken against a pirate; but though the degradation could do little for the service, it cost Barron his honor, and ended by costing Decatur his life.

Meanwhile, Captain Humphreys reported to Captain Douglas on the "Bellona," and Captain Douglas reported the whole affair to Admiral Berkeley at Halifax, who received at the same time accounts from American sources. The admiral immediately wrote to approve the manner in which his orders had been carried out. "As far as I am enabled to judge," he said¹ in a letter to Captain Humphreys, dated July 4, "you have conducted yourself most properly." The inevitable touch of unconscious comedy was not wanting in the British admiral, whose character recalled Smollett's novels and memories of Commodore Hawser Trunnion. "I hope you mind the public accounts which have been published of this affair as little as I do," he continued; "we must make allowances for the heated state of the populace in a country where law and every tie, both civil and religious, is treated so lightly." No broader humor could be found in "Peregrine Pickle" than in one breath to approve an act so lawless that no man of common-sense even in England ventured to defend it as lawful, and in the next to read the Americans a moral lecture on their want of law and religion; yet grotesque as this old-fashioned naval morality might be, no man in England noticed either its humor or its absurdity.

As though to show that he meant no humor by it, the admiral, August 25, called a court-martial, which the next day sentenced Jenkin Ratford to be hanged,

¹ Marshall's Naval Biography, iv. 895.

and the three American deserters from the "Melampus" to receive five hundred lashes each. The last part of the sentence was not carried out, and the three Americans remained quietly in prison; but August 31, Jenkin Ratford was duly hanged from the foreyard-arm of his own ship, the "Halifax."

CHAPTER II.

FOR the first time in their history the people of the United States learned, in June, 1807, the feeling of a true national emotion. Hitherto every public passion had been more or less partial and one-sided; even the death of Washington had been ostentatiously mourned in the interests and to the profit of party: but the outrage committed on the "Chesapeake" stung through hide-bound prejudices, and made democrat and aristocrat writhe alike. The brand seethed and hissed like the glowing olive-stake of Ulysses in the Cyclops' eye, until the whole American people, like Cyclops, roared with pain and stood frantic on the shore, hurling abuse at their enemy, who taunted them from his safe ships. The mob at Norfolk, furious at the sight of their dead and wounded comrades from the "Chesapeake," ran riot, and in the want of a better object of attack destroyed the water-casks of the British squadron. July 29 the town forbade communication with the ships in Lynnhaven Bay, which caused Captain Douglas to write to the Mayor of Norfolk a letter much in the tone of Admiral Berkeley.

“You must be perfectly aware,” said he, “that the British flag never has been, nor will be, insulted with impunity. You must also be aware that it has been, and still is, in my power to obstruct the whole trade of the Chesapeake since the late circumstance; which I desisted from, trusting that general unanimity would be restored. . . . Agreeably to my intentions, I have proceeded to Hampton Roads, with the squadron under my command, to await your answer, which I trust you will favor me with without delay.”

He demanded that the prohibition of intercourse should be “immediately annulled.” The Mayor sent Littleton Tazewell to carry an answer to this war-like demand from the “Bellona,” and Tazewell was somewhat surprised to find Captain Douglas highly conciliatory, and unable to see what the people of Norfolk could have found in his letter which could be regarded as “menacing;” but meanwhile all Virginia was aroused, an attack on Norfolk was generally expected, the coast was patrolled by an armed force, and the British men-of-war were threatened by mounted militia.

In the Northern States the feeling was little less violent. Public meetings were everywhere held. At New York, July 2, the citizens, at a meeting over which De Witt Clinton presided, denounced “the dastardly and unprovoked attack” on the “Chesapeake,” and pledged themselves to support the government “in whatever measures it may deem necessary to adopt in the present crisis of affairs.” At Boston,

where the town government was wholly Federalist, a moment of hesitation occurred.¹ The principal Federalists consulted with each other, and decided not to call a town-meeting. July 10 an informal meeting was called by the Republicans, over which Elbridge Gerry presided, and which Senator J. Q. Adams alone among the prominent Federalists attended. There also a resolution was adopted, pledging cheerful co-operation "in any measures, however serious," which the Administration might deem necessary for the safety and honor of the country. In a few days public opinion compelled the Federalists to change their tone. A town-meeting was held at Faneuil Hall July 16, and Senator Adams again reported resolutions, which were unanimously adopted, pledging effectual support to the government. Yet the Essex Junto held aloof; neither George Cabot, Theophilus Parsons, nor Timothy Pickering would take part in such proceedings, and the Federalist newspaper which was supposed to represent their opinions went so far as to assert that Admiral Berkeley's doctrine was correct, and that British men-of-war had a right to take deserters from the national vessels of the United States. In private, this opinion was hotly maintained; in public, its expression was generally thought unwise in face of popular excitement.

President Jefferson was at Washington June 25, the day when news of the outrage arrived; but his

¹ New England Federalism, p. 182.

Cabinet was widely scattered, and some time passed before its members could be reassembled. Gallatin was last to arrive; but July 2, at a full meeting, the President read the draft of a proclamation, which was approved, and the proclamation issued on the same day. It rehearsed the story of American injuries and forbearance, and of British aggressions upon neutral rights; and so moderate was its tone as to convey rather the idea of deprecation than of anger:—

“Hospitality under such circumstances ceases to be a duty; and a continuance of it, with such uncontrolled abuses, would tend only, by multiplying injuries and irritations, to bring on a rupture between the two nations. This extreme resort is equally opposed to the interests of both, as it is to assurances of the most friendly dispositions on the part of the British government, in the midst of which this outrage has been committed. In this light the subject cannot but present itself to that government, and strengthen the motives to an honorable reparation of the wrong which has been done, and to that effectual control of its naval commanders which alone can justify the government of the United States in the exercise of those hospitalities it is now constrained to discontinue.”

With this preamble the proclamation required all armed vessels of Great Britain to depart from American waters; and in case of their failing to do so, the President forbade intercourse with them, and prohibited supplies to be furnished them.

At the same Cabinet meeting, according to Jeffer-

son's memoranda,¹ other measures were taken. The gunboats were ordered to points where attack might be feared. The President was to "recall all our vessels from the Mediterranean, by a vessel to be sent express, and send the 'Revenge' to England with despatches to our minister demanding satisfaction for the attack on the 'Chesapeake;' in which must be included — (1) a disavowal of the act and of the principle of searching a public armed vessel; (2) a restoration of the men taken; (3) a recall of Admiral Berkeley. Communicate the incident which has happened to Russia." Two days afterward, at another Cabinet meeting, it was "agreed that a call of Congress shall issue the fourth Monday of August (24), to meet the fourth Monday in October (26), unless new occurrences should render an earlier call necessary. Robert Smith wished an earlier call." He was not alone in this wish. Gallatin wrote privately to his wife that he wanted an immediate call, and that the chief objection to it, which would not be openly avowed, was the unhealthiness of Washington city.²

The news of Captain Douglas's threatening conduct and language at Norfolk produced further measures. July 5 "it was agreed to call on the governors of the States to have their quotas of one hundred thousand militia in readiness. The object is to have the portions on the sea-coast ready for any emergency; and

¹ Cabinet Memoranda; Writings (Ford), i. 324.

² Adams's Gallatin, p. 358.

for those in the North we may look to a winter expedition against Canada." July 7 it was "agreed to desire the Governor of Virginia to order such portion of militia into actual service as may be necessary for defence of Norfolk and of the gunboats at Hampton and in Matthews County." Little by little Jefferson was drawn into preparations for actual war.

Even among earnest Republicans the tone of Jefferson's proclamation and the character of his measures were at first denounced as tame. John Randolph called the proclamation an "apology;" Joseph Nicholson wrote to Gallatin a remonstrance.

"But one feeling pervades the nation," said he;¹ "all distinctions of Federalism and Democracy are vanished. The people are ready to submit to any deprivation; and if we withdraw ourselves within our own shell, and turn loose some thousands of privateers, we shall obtain in a little time an absolute renunciation of the right of search for the purposes of impressment. A parley will prove fatal; for the merchants will begin to calculate. They rule us, and we should take them before their resentment is superseded by considerations of profit and loss. I trust in God the 'Revenge' is going out to bring Monroe and Pinkney home."

Gallatin, who had hitherto thrown all his influence on the side of peace, was then devoting all his energies to provision for war. He answered Nicholson that the tone of Government, though he thought

¹ Nicholson to Gallatin, July 14, 1807; Adams's Gallatin, p. 360.

it correct, was of little consequence, for in any case the result would be the same; he was confident that England would give neither satisfaction nor security.¹

“ I will, however, acknowledge that on that particular point I have not bestowed much thought; for having considered from the first moment war was a necessary result, and the preliminaries appearing to me but matters of form, my faculties have been exclusively applied to the preparations necessary to meet the times. And although I am not very sanguine as to the brilliancy of our exploits, the field where we can act without a navy being very limited, and perfectly aware that a war, in a great degree passive, and consisting of privations, will become very irksome to the people, I feel no apprehension of the immediate result. We will be poorer both as a nation and as a government, our debt and taxes will increase, and our progress in every respect be interrupted; but all those evils are not only not to be put in competition with the independence and honor of the nation, they are moreover temporary, and a very few years of peace will obliterate their effects. Nor do I know whether the awakening of nobler feelings and habits than avarice and luxury might not be necessary to prevent our degenerating, like the Hollanders, into a nation of mere calculators.”

Jefferson followed without protest the impulse toward war; but his leading thought was to avoid it. Peace was still his passion, and his scheme of peace-

¹ Gallatin to Nicholson, July 17, 1807; Adams's Gallatin, p. 361.

ful coercion had not yet been tried. Even while the nation was aflame with warlike enthusiasm, his own mind always reverted to another thought. The tone of the proclamation showed it; his unwillingness to call Congress proved it; his letters dwelt upon it.

“We have acted on these principles,” he wrote in regard to England,¹—“(1) to give that Government an opportunity to disavow and make reparation; (2) to give ourselves time to get in the vessels, property, and seamen now spread over the ocean; (3) to do no act which might compromit Congress in their choice between war, non-intercourse, or any other measure.”

To Vice-President Clinton he wrote,² that since the power of declaring war was with the Legislature, the Executive should do nothing necessarily committing them to decide for war in preference to non-intercourse, “which will be preferred by a great many.” Every letter³ written by the President during the crisis contained some allusion to non-intercourse, which he still called the “peaceable means of repressing injustice, by making it the interest of the aggressor to do what is just, and abstain from future wrong.” As the war fever grew stronger he talked more boldly about hostilities, and became silent about

¹ Jefferson to Bidwell, July 11, 1807; Works, v. 125.

² Jefferson to the Vice-President, July 6, 1807; Works, v. 115.

³ Jefferson to Governor Cabell, June 29, 1807, Works, v. 114; to Mr. Bowdoin, July 10, 1807, Works, v. 123; to M. Dupont, July 14, 1807, Works, v. 127; to Lafayette, July 14, 1807, Works, v. 129.

non-intercourse;¹ but the delay in calling Congress was certain to work as he wished, and to prevent a committal to the policy of war.

To no one was this working of Jefferson's mind more evident than to General Turreau, whose keen eyes made the President uneasy under the sense of being watched and criticised. Turreau, who had left Washington for the summer, hurried back on hearing of the "Chesapeake" disaster. On arriving, he went the same evening to the White House, "where there had been a dinner of twenty covers, composed, they say, of new friends of the Government, to whom Mr. Madison had given a first representation two days before. Indeed, I knew none of the guests except the Ambassador of England and his secretary of legation. The President received me even better than usual, but left me, presently, to follow with the British minister a conversation that my entrance had interrupted."²

Then came a touch of nature which Turreau thought strikingly characteristic. No strong power of imagination is needed to see the White House parlor, on the warm summer night, with Jefferson, as Senator Maclay described him, sitting in a lounging manner on one hip, with his loose, long figure, and his clothes that seemed too small for him, talking, without a break, in his rambling, disjointed way,

¹ Jefferson to Colonel Taylor, Aug. 1, 1807 ; Works, v 148.

² Turreau to Talleyrand, July 18, 1808 ; Archives des Aff. Étr. MSS.

showing deep excitement under an affectation of coolness, and at every word and look betraying himself to the prying eyes of Talleyrand's suspicious agent. What Jefferson said, and how he said it, can be told only in Turreau's version ; but perhaps the few words used by the prejudiced Frenchman gave a clearer idea of American politics than could be got from all other sources together : —

“ This conversation with the British minister having been brought to an end, Mr. Jefferson came and sat down by my side ; and after all the American guests had successively retired, Mr. Erskine, who had held out longest, — in the hope, perhaps, that I should quit the ground, — went away also. The President spoke to me about the ‘ Chesapeake ’ affair, and said : ‘ If the English do not give us the satisfaction we demand, we will take Canada, which wants to enter the Union ; and when, together with Canada, we shall have the Floridas, we shall no longer have any difficulties with our neighbors ; and it is the only way of preventing them. I expected that the Emperor would return sooner to Paris, — and then this affair of the Floridas would be ended.’ Then, changing the subject, he asked me what were the means to employ in order to be able to defend the American harbors and coasts. I answered that the choice of means depended on local conditions, and that his officers, after an exact reconnoissance, ought to pronounce on the application of suitable means of defence. — ‘ We have no officers ! ’ — He treated twenty-seven different subjects in a conversation of half an hour ; and as he showed, as usual, no sort of distrust, this conversation of fits and starts (*à bâtons rompus*) makes me infer that

the event would embarrass him much, — and Mr. Madison seemed to me to share this embarrassment. . . . Once for all, whatever may be the disposition of mind here, though every one is lashing himself (*se batte les flancs*) to take a warlike attitude, I can assure your Highness that the President does not want war, and that Mr. Madison dreads it still more. I am convinced that these two personages will do everything that is possible to avoid it, and that if Congress, which will be called together only when an answer shall have arrived from England, should think itself bound, as organ of public opinion, to determine on war, its intention will be crossed by powerful intrigues, because the actual Administration has nothing to gain and everything to lose by war.”

Turreau was not the only observer who saw beneath the surface of American politics. The young British minister, Erskine, who enlivened his despatches by no such lightness of touch as was usual with his French colleague, wrote to the new Foreign Secretary of England, George Canning, only brief and dry accounts of the situation at Washington, but showed almost a flash of genius in the far-reaching policy he struck out.

“The ferment in the public mind,” he wrote July 21,¹ “has not yet subsided, and I am confirmed in the opinion . . . that this country will engage in war rather than submit to their national armed ships being forcibly searched on the high seas. . . . Should his Majesty think fit to cause an apology to be offered to these States on ac-

¹ Erskine to Canning, July 21, 1807 ; MSS. British Archives.

count of the attack of his Majesty's ship 'Leopard' on the United States frigate 'Chesapeake,' it would have the most powerful effect not only on the minds of the people of this country, but would render it impossible for the Congress to bring on a war upon the other points of difference between his Majesty and the United States at present under discussion."

A single blow, however violent, could not weld a nation. Every one saw that the very violence of temper which made the month of July, 1807, a moment without a parallel in American history since the battle of Lexington, would be followed by a long reaction of doubt and discord. If the President, the Secretary of State, and great numbers of their staunchest friends hesitated to fight when a foreign nation, after robbing their commerce, fired into their ships of war, and slaughtered or carried off their fellow-citizens,—if they preferred "peaceable means of repressing injustice" at the moment when every nerve would naturally have been strung to recklessness with the impulse to strike back,—it was in the highest degree unlikely that they would be more earnest for war when time had deadened the sense of wrong. Neither England, France, nor Spain could fail to see that the moment when aggression ceased to be safe had not yet arrived.

The people were deeply excited, commerce for the moment was paralyzed, no merchant dared send out a ship, and the country resounded with cries of war when the "Revenge" sailed, bearing instructions to

Monroe to demand reparation from the British government. These instructions, dated July 6, 1807, were framed in the spirit which seemed to characterize Madison's diplomatic acts. Specific redress for a specific wrong appeared an easy demand. That the attack on the "Chesapeake" should be disavowed; that the men who had been seized should be restored; that punctilious exactness of form should mark the apology and retribution,—was matter of course; but that this special outrage, which stood on special ground, should be kept apart, and that its atonement should precede the consideration of every other disputed point, was the natural method of dealing with it if either party was serious in wishing for peace. Such a wound, left open to fester and smart, was certain to make war in the end inevitable. Both the President and Madison wanted peace; yet their instructions to Monroe made a settlement of the "Chesapeake" outrage impracticable by binding it to a settlement of the wider dispute as to impressments from merchant vessels.

"As a security for the future," wrote Madison,¹ "an entire abolition of impressments from vessels under the flag of the United States, if not already arranged, is also to make an indispensable part of the satisfaction."

Among the many impossibilities which had been required of Monroe during the last four years, this was one of the plainest. The demand was prelimi-

¹ Madison to Monroe, July 6, 1807; State Papers, iii. 183.

nary, in ordinary diplomatic usage, to a declaration of war; and nothing in Jefferson's Presidency was more surprising than that he should have thought such a policy of accumulating unsettled causes for war consistent with his policy of peace.

While the "Revenge" was slowly working across the Atlantic, Monroe in London was exposed to the full rigor of the fresh storm. News of the "Chesapeake" affair reached London July 25; and before it could become public Canning wrote to Monroe a private note,¹ cautiously worded, announcing that a "transaction" had taken place "off the coast of America," the particulars of which he was not at present enabled to communicate, and was anxious to receive from Monroe:—

"But whatever the real merits and character of the transaction may turn out to be, Mr. Canning could not forbear expressing without delay the sincere concern and sorrow which he feels at its unfortunate result, and assuring the American minister, both from himself and on the behalf of his Majesty's government, that if the British officers should prove to have been culpable, the most prompt and effectual reparation shall be afforded to the government of the United States."

When on Monday morning, July 27, Monroe read in the newspapers the account of what had taken place, and realized that Canning, while giving out that he knew not the particulars, must have had Admiral Berkeley's official report within his reach

¹ Canning to Monroe, July 25, 1807; State Papers, iii. 187.

if not on his table, the American minister could not but feel that the British secretary might have spoken with more frankness. In truth ministers were waiting to consult the law, and to learn whether Berkeley could be sustained. The extreme Tories, who wanted a quarrel with the United States; the reckless, who were delighted with every act of violence, which they called energy; the mountebanks, represented by Cobbett, who talked at random according to personal prejudices, — all approved Berkeley's conduct. The Ministry, not yet accustomed to office, and disposed to assert the power they held, could not easily reconcile themselves to disavowing a British admiral whose popular support came from the ranks of their own party. Seeing this, Monroe became more and more alarmed.

The tone of the press was extravagant enough to warrant despair. July 27 the "Morning Post," which was apt to draw its inspiration from the Foreign Office, contained a diatribe on the "Chesapeake" affair.

"America," it said, "is not contented with striking at the very vitals of our commercial existence; she must also, by humbling our naval greatness and disputing our supremacy, not only lessen us in our own estimation, but degrade us in the eyes of Europe and of the world. . . . It will never be permitted to be said that the 'Royal Sovereign' has struck her flag to a Yankee cockboat."

In the whole press of England, the "Morning Chronicle" alone deprecated an American war or

blamed Berkeley's act; and the "Morning Chronicle" was the organ of opposition.

Monroe waited two days, and heard no more from Canning. July 29, by a previous appointment, he went to the Foreign Office on other business.¹ He found the Foreign Secretary still reticent, admitting or yielding nothing, but willing to satisfy the American government that Berkeley's order had not been the result of instructions from the Tory ministry. Monroe said he would send a note on the subject, and Canning acquiesced. Monroe on the same day sent his letter, which called attention to the outrage that had been committed and to its unjustifiable nature, expressing at the same time full confidence that the British government would at once disavow and punish the offending officer. The tone of the note, though strong, was excellent, but on one point did not quite accord with the instructions on their way from Washington.

"I might state," said Monroe, "other examples of great indignity and outrage, many of which are of recent date; . . . but it is improper to mingle them with the present more serious cause of complaint."

Monday, August 3, Canning sent a brief reply. Since Monroe's complaint was not founded on official knowledge, said Canning, the King's government was not bound to do more than to express readiness to

¹ Monroe to Madison, Aug. 4, 1807; State Papers, iii. 186.

make reparation if such reparation should prove to be due:¹—

“Of the existence of such a disposition on the part of the British government you, sir, cannot be ignorant. I have already assured you of it, though in an unofficial form, by the letter which I addressed to you on the first receipt of the intelligence of this unfortunate transaction; and I may perhaps be permitted to express my surprise, after such an assurance, at the tone of that representation which I have just had the honor to receive from you. But the earnest desire of his Majesty to evince in the most satisfactory manner the principles of justice and moderation by which he is uniformly actuated, has not permitted him to hesitate in commanding me to assure you that his Majesty neither does nor has at any time maintained the pretension of a right to search ships of war in the national service of any State for deserters.”

If it should prove that Berkeley's order rested on no other ground than the simple and unqualified pretension to such a right, the King had no difficulty in disavowing it, and would have none in showing his displeasure at it.

Although Monroe thought this reply to be “addressed in rather a harsh tone,” as was certainly the case, he considered it intended to concede the essential point, and he decided to say no more without instructions. He might well be satisfied, for Canning's “surprise” was a mild expression of public feeling.

¹ Canning to Monroe, Aug. 3, 1807; American State Papers, iii. 188.

Hitherto the British press had shown no marked signs of the insanity which sometimes seized a people under the strain of great excitement, but the "Chesapeake" affair revealed the whole madness of the time. August 6, three days after Canning had disavowed pretension to search national vessels, the "Morning Post" published an article strongly in favor of Berkeley and war. "Three weeks blockade of the Delaware, the Chesapeake, and Boston Harbor would make our presumptuous rivals repent of their puerile conduct." August 5 the "Times" declared itself for Berkeley, and approved not only his order, but also its mode of execution. The "Courier" from the first defended Berkeley. Cobbett's peculiar powers of mischief were never more skilfully exerted:—

"I do not pretend to say that we may not in this instance have been in the wrong, because there is nothing authentic upon the subject; nor am I prepared to say that our right of search, *in all cases*, extends to ships of war. But of this I am certain, that if the laws of nations do not allow you to search for deserters in a friend's territory, neither do they allow that friend to inveigle away your troops or your seamen, to do which is an act of hostility; and I ask for no better proof of inveigling than the enlisting and refusing to give up such troops or seamen."

Owing to his long residence in the United States, Cobbett was considered a high authority on American affairs; and he boldly averred that America could

not go to war without destroying herself as a political body. More than half the people of America, he said, were already disgusted with the French bias of their government.

In the face of a popular frenzy so general, Monroe might feel happy to have already secured from Canning an express disavowal of the pretension to search ships of war. He was satisfied to let the newspapers say what they would while he waited his instructions. A month passed before these arrived. September 3 Monroe had his next interview, and explained the President's expectations, — that the men taken from the "Chesapeake" should be restored, the offenders punished, a special mission sent to America to announce the reparation, and the practice of impressment from merchant-vessels suppressed.¹ Canning listened with civility, for he took pride in tempering the sternness of his policy by the courtesy of his manner. He made no serious objection to the President's demands so far as they concerned the "Chesapeake;" but when Monroe came to the abandonment of impressment from merchant-vessels, he civilly declined to admit it into the discussion.

Monroe wrote the next day a note,² founded on his instructions, in which he insisted on the proposition which he had expressly discarded in his note of July 29, that the outrages rising from impressment in general ought to be considered as a part of the

¹ Monroe to Madison, Oct. 10, 1807 ; State Papers, iii. 191.

² Monroe to Canning, Sept. 7, 1807 ; State Papers, iii. 189.

“Chesapeake” affair; and he concluded his argument by saying that his Government looked on this complete adjustment as indispensably necessary to heal the deep wound which had been inflicted on the national honor of the United States. After the severity with which Monroe had been rebuked for disregarding his instructions on this point barely a few months before, he had no choice but to obey his orders without the change of a letter; but he doubtless knew in advance that this course left Canning master of the situation. The British government was too well acquainted with the affairs of America to be deceived by words. That the United States would fight to protect their national vessels was possible; but every one knew that no party in Congress could be induced to make war for the protection of merchant seamen. In rejecting such a demand, not only was Canning safe, but he was also sure of placing the President at odds with his own followers and friends.

A fortnight was allowed to pass before the British government replied. Then, September 23, Canning sent to the American legation an answer.¹ He began by requesting to know whether the President’s proclamation was authentic, and whether it would be withdrawn on a disavowal of the act which led to it; because, as an act of retaliation, it must be taken into account in adjusting the reparation due. He insisted that the nationality of the men seized must

¹ Canning to Monroe, Sept. 23, 1807; State Papers, iii. 199.

also be taken into account, not as warranting their unauthorized seizure, but as a question of redress between government and government. In respect to the general question of impressment in connection with the specific grievance of the "Chesapeake," he explained at some length the different ground on which the two disputes rested; and while professing his willingness to discuss the regulation of the practice, he affirmed the rights of England, which, he said, —

"existed in their fullest force for ages previous to the establishment of the United States of America as an independent government; and it would be difficult to contend that the recognition of that independence can have operated any change in this respect, unless it can be shown that in acknowledging the government of the United States, Great Britain virtually abdicated her own rights as a naval Power, or unless there were any express stipulations by which the ancient and prescriptive usages of Great Britain, founded in the soundest principles of natural law, though still enforced against other independent nations of the world, were to be suspended whenever they might come in contact with the interests or the feelings of the American people."

After disposing of the matter with this sneer, Canning closed by earnestly recommending Monroe to consider whether his instructions might not leave him at liberty to adjust the case of the "Chesapeake" by itself: —

"If your instructions leave you no discretion, I cannot press you to act in contradiction to them. In that case

there can be no advantage in pursuing a discussion which you are not authorized to conclude ; and I shall have only to regret that the disposition of his Majesty to terminate that difference amicably and satisfactorily is for the present rendered unavailing.

“ In that case his Majesty, in pursuance of the disposition of which he has given such signal proofs, will lose no time in sending a minister to America, furnished with the necessary instructions and powers for bringing this unfortunate dispute to a conclusion consistent with the harmony subsisting between Great Britain and the United States ; but in order to avoid the inconvenience which has arisen from the mixed nature of your instructions, that minister will not be empowered to entertain, as connected with this subject, any proposition respecting the search of merchant-vessels.”

Monroe replied,¹ September 29, that his instructions were explicit, and that he could not separate the two questions. He closed by saying that Canning's disposition and sentiments had been such as inspired him with great confidence that they should soon have been able to bring the dispute to an honorable and satisfactory conclusion. With this letter so far as concerned Monroe, the “Chesapeake” incident came to its end in failure of redress.

One more subject remained for Monroe to finish. His unfortunate treaty returned by Madison with a long list of changes and omissions, had been made by Monroe and Pinkney the subject of a letter to Can-

¹ Monroe to Canning, Sept. 29, 1807 ; State Papers, iii. 201.

ning as early as July 24;¹ but the affair of the "Chesapeake" intervened, and Canning declined to touch any other subject until this was adjusted. No sooner did he succeed in referring the "Chesapeake" negotiation to Washington than he turned to the treaty. That a measure which had been the most unpopular act of an unpopular Whig ministry could expect no mercy at Canning's hands, was to be expected; but some interest attached to the manner of rejection which he might prefer. In a formal note, dated October 22, Canning addressed the American government in a tone which no one but himself could so happily use,—a tone of mingled condescension and derision.² He began by saying that his Majesty could not profess to be satisfied that the American government had taken effectual steps in regard to the Berlin Decree; but the King had nevertheless decided, in case the President should ratify Monroe's treaty, to ratify it in his turn, "reserving to himself the right of taking, in consequence of that decree, and of the omission of any effectual interposition on the part of neutral nations to obtain its revocation, such measures of retaliation as his Majesty might judge expedient." Without stopping to explain what value a ratification under such conditions would have, Canning continued that the President had thought

¹ Monroe and Pinkney to Canning, July 24, 1807; State Papers, iii. 194.

² Canning to Monroe and Pinkney, Oct. 22, 1807; State Papers, iii. 198.

proper to propose alterations in the body of the treaty :—

“The undersigned is commanded distinctly to protest against a practice altogether unusual in the political transactions of States, by which the American government assumes to itself the privilege of revising and altering agreements concluded and signed on its behalf by its agents duly authorized for that purpose, of retaining so much of those agreements as may be favorable to its own views, and of rejecting such stipulations, or such parts of stipulations, as are conceived to be not sufficiently beneficial to America.”

Without discussing the correctness of Canning's assertion that the practice was “altogether unusual in the political transactions of States,” Monroe and Pinkney might have replied that every European treaty was negotiated, step by step, under the eye of the respective governments, and that probably no extant treaty had been signed by a British agent in Europe without first receiving at every stage the approval of the King. No American agent could consult his government. Canning was officially aware that Monroe and Pinkney, in signing their treaty, had done so at their own risk, in violation of the President's orders. The requirement that the President of the United States should follow European rules was unreasonable; but in the actual instance Canning's tone was something more than unreasonable. His own note assumed for the British government “the privilege of revising and altering” whatever

provisions of the treaty it pleased ; and after a condition so absolute, he violated reciprocity in rejecting conditions made by the President because they were "unusual in the political transactions of States : " —

"The undersigned is therefore commanded to apprise the American commissioners that, although his Majesty will be at all times ready to listen to any suggestions for arranging, in an amicable and advantageous manner, the respective interests of the two countries, the proposal of the President of the United States for proceeding to negotiate anew upon the basis of a treaty already solemnly concluded and signed, is a proposal wholly inadmissible."

With this denial of the right of others to exercise arbitrary methods, Canning declared the field open for the British government to give full range to its arbitrary will. A week afterward Monroe left London forever. He had taken his audience of leave October 7, and resigned the legation to Pinkney. October 29 he started for Portsmouth to take ship for Virginia. His diplomatic career in Europe was at an end ; but these last failures left him in a state of mind easy to imagine, in which his irritation with Jefferson and Madison, the authors of his incessant misfortunes, outran his suspicions of Canning, whose pretence of friendship had been dignified and smooth.

For reasons to be given hereafter, the Ministry decided to disavow Admiral Berkeley's attack on the "Chesapeake ;" but in order to provide against the reproach of surrendering British rights, a proclama-

tion¹ almost as offensive to the United States as Admiral Berkeley's order was issued, October 16. Beginning with the assertion that great numbers of British seamen "have been enticed to enter the service of foreign States, and are now actually serving as well on board the ships of war belonging to the said foreign States as on board the merchant-vessels belonging to their subjects," the proclamation ordered such seamen to return home, and commanded all naval officers to seize them, without unnecessary violence, in any foreign merchant-vessels where they might be found, and to demand them from the captains of foreign ships of war, in order to furnish government with the necessary evidence for claiming redress from the government which had detained the British seamen. Further, the proclamation gave warning that naturalization would not be regarded as relieving British subjects of their duties, but that, while such naturalized persons would be pardoned if they returned immediately to their allegiance, all such as should serve on ships-of-war belonging to any State at enmity with England would be guilty of high treason, and would be punished with the utmost severity of the law.

That the British public, even after the battle of Trafalgar and the firing upon the "Chesapeake," might have felt its pride sufficiently flattered by such a proclamation seemed only reasonable; for in truth this proclamation forced war upon a government which

¹ American State Papers, iii. 25.

wished only to escape it, and which cowered for years in submission rather than fight for what it claimed as its due ; but although to American ears the proclamation sounded like a sentence of slavery, the British public denounced it as a surrender of British rights. The "Morning Post," October 20 and 22, gave way to a paroxysm of wrath against ministers for disavowing and recalling Berkeley. "With feelings most poignantly afflicting," it broke into a rhapsody of unrestrained self-will. The next day, October 23, the same newspaper — then the most influential in the kingdom — pursued the subject more mildly :—

"Though the British government, from perhaps too rigid an adherence to the law of nations, outraged as they are by the common enemy, may, however irritated by her conduct, display a magnanimous forbearance toward so insignificant a Power as America, they will not, we are persuaded, suffer our proud sovereignty of the ocean to be mutilated by any invasion of its just rights and prerogatives. Though the right, tacitly abandoned for the last century, may be suffered to continue dormant, the Americans must not flatter themselves that the principle will be permitted to have any further extent. In the mildness of our sway we must not suffer our sovereignty to be rebelled against or insulted with impunity. . . . The sovereignty of the seas in the hands of Great Britain is an established, legitimate sovereignty, — a sovereignty which has been exercised on principles so equitable, and swayed with a spirit so mild, that the most humble of the maritime Powers have been treated as if they were on a perfect equality with us."

The same lofty note ran through all the "Morning Post's" allusions to American affairs:—

"A few short months of war," said a leading article, October 24, "would convince these desperate politicians of the folly of measuring the strength of a rising, but still infant and puny, nation with the colossal power of the British empire."

The "Times" declared that the Americans could not even send an ambassador to France,—could hardly pass to Staten Island,—without British permission.¹ "Right is power sanctioned by custom," said the "Times;" and October 20 and 22 it joined the "Morning Post" in denouncing the disavowal of Berkeley. The "Morning Chronicle" alone resisted the torrent which was sweeping away the traditions of English honor.

"Our Government," it said,² in support of its enemy, Canning, "in acting with prudence and wisdom, have to resist the pressure of a spirit not popular, like that in America, but as violent and as ignorant, with the addition of being in the highest degree selfish and sordid."

In the case of the "Chesapeake" the Ministry resisted that "selfish and sordid" interest; but Americans soon learned that the favor, such as it was, had been purchased at a price beyond its value. Canning's most brilliant stroke was for the moment only half revealed.

¹ The Times, Aug. 26, 1807.

² The Morning Chronicle, Aug. 6, 1807.

CHAPTER III.

THE new Ministry which succeeded "All the Talents" and took seat in Parliament April 8, 1807, represented everything in English society that was most impervious to reason. In its origin a creature of royal bigotry trembling on the verge of insanity, before it had been a few short weeks in office every liberal or tolerant Englishman was shocked to find that this band of Tories, whose prejudices were such as modern society could scarcely understand, and who had been forced into office by the personal will of an almost imbecile King, did in reality represent a great reaction of the English people against tolerant principles, and reflected the true sense of the nation as it had never been reflected by Grenville or Fox. Parliament was dissolved April 27, though only four months old; and June 22, when the "Leopard" was firing into the "Chesapeake," the new Parliament met at Westminster Hall, with a ministerial majority of more than two hundred country squires, elected on the cry that the Church was in danger.

From its nominal head, this Ministry was called the Portland administration; but its leader was Spencer Perceval, the Chancellor of the Exchequer, and its

mouthpiece was George Canning, the Foreign Secretary. These two commoners — men of no special family connection, of no estates, and little so-called “stake in the country” — guided the aristocratic and conservative society of England, and exaggerated its tendencies. In modern days little is remembered of Spencer Perceval except that he became at last one of the long list of victims to lunatic assassins; but for a whole generation no English Liberal mentioned the name of the murdered prime minister without recalling the portrait drawn by Sydney Smith in the wittiest and keenest of his writings,¹ in which Perceval was figured as living at Hampstead upon stewed meats and claret, and walking to church every Sunday before eleven young gentlemen of his own begetting, with their faces washed and their hair pleasingly combed.

In Sydney Smith's caricature there was little exaggeration. Spencer Perceval was forty-five years old, a lawyer of the best character, devoted to his family, his church, and sovereign; a man after Lord Eldon's heart, who brought to the Treasury Bench the legal knowledge and mental habits of a leader at the Chancery Bar and the political morality of a lawyer's brief. The criticism was not less revolting than remarkable, that many of the men whose want of political morality was most conspicuous in this story were, both in England and in America, models of private respectability and fanatical haters of vice. That

¹ Peter Plymley's Letters, ix.

Timothy Pickering and Roger Griswold should join hands with Aaron Burr was less wonderful than that Spencer Perceval and his friend James Stephen, the author of "War in Disguise," should adopt the violence of Napoleon as the measure of their own morals, and avow that they meant to respect no other standard. With the same voice Spencer Perceval expressed fear lest calling Parliament on a Monday should lead members into Sunday travel, and justified the bombardment of Copenhagen and the robbery of American commerce.

The Whigs thought little of his abilities. Sydney Smith, who delighted to ridicule him, said that he had the head of a country parson and the tongue of an Old Bailey lawyer.¹ The Tories admired and followed him as readily as they had once followed Pitt; but to an American, necessarily prejudiced, Sydney Smith's estimate seemed just. Every American critic placed Perceval in an order of intelligence not only below the Whigs, but below Lord Sidmouth. When confronted with the dulness of Spencer Perceval, Americans could even feel relief in the sarcasm of George Canning, which, unlike Perceval's speeches, had at least the merit of rhetoric.

Of George Canning, who passed so rapidly across the scene, and yet left so sharp an impression on the memory of America, something must be said, if only to explain how a man so gifted, and in later life so different in influence, should have thought it worth

¹ Peter Plymley's Letters, i.

his while to challenge the hatred of a people whose future he, unlike his colleague Perceval, had imagination enough to foresee. George Canning was thirty-seven years old when he took charge of the Foreign office. His father, who came from a very respectable but in no way eminent family, died in 1771; his mother having no means of support became a provincial actress, and the boy was adopted by an uncle, who sent him to Eton and Oxford. He left Oxford at the time when the French Revolution promised a new birth to Europe, and Canning was then a warm Republican from sympathy and conviction. The political reaction which followed swept the young man to the opposite extreme; and his vehemence for monarchy and the Tories gave point to a Whig sarcasm, — that men had often been known to turn their coats, but this was the first time that a boy had turned his jacket. In consequence of his conversion Pitt brought him into Parliament in 1793, and placed him in office in 1796. In the hotbed of Pitt's personal favor¹ Canning's natural faults were stimulated, until the irritation caused by his sarcastic wit and by what the stolid gentry thought his flippancy roused a sort of insurrection against him. Few men were more admired, and none was more feared or hated; for it was impossible to say what time-honored monument he might overthrow in defending.

No man in England flung himself more violently

¹ Malmesbury's Diary, iv. 376.

into the reaction against Republican ideas than this young Republican of 1789. Canning's contempt was unbounded for everything that savored of liberal principles; and in following the impulses of his passion he lost whatever political morality he had possessed. If one act in Bonaparte's career concentrated more than another the treason and violence of a lifetime, it was the *coup d'état* of the 18th Brumaire, in 1799, when he drove the Legislature at the point of the bayonet from the hall at St. Cloud, and annihilated French liberty, as he hoped, forever; yet this act, which might have been applauded by some English statesmen whose heads paid on Tower Hill the penalty for such treason to the liberties of their own country, threw Canning into paroxysms of delight.

“Huzza! huzza! huzza!” he wrote¹ on hearing the news; “for no language but that of violent and tumultuous and triumphant exclamation can sufficiently describe the joy and satisfaction which I feel at this complete overthrow and extinction of all the hopes of the proselytes to new principles. . . . It is the lasting ridicule thrown upon all systems of democratic equality, — it is the galling conviction carried home to the minds of all the brawlers for freedom in this and every other country, — that there never was, nor will be, nor can be, a leader of a mob faction who does not mean to be the lord and not the servant of the people. It is this that makes the name of Bonaparte dear to me. . . . Hence-

¹ Canning to Boringdon, Nov. 19, 1799; Stapleton's Canning, p. 43.

forth, with regard to France and the principles of France, or to any country similarly circumstanced as to extent, population, manners, etc., *Republican* and *fool* are synonymous terms."

Canning had several qualities in common with Bonaparte, and one of them was the habit of classifying under the head of fools persons whose opinions he did not fancy,—from the man who believed in a republic to the man who liked dry champagne. In his mouth such persons were either fools or liars; and Americans, with few exceptions, came under one or the other of these heads. After the 18th Brumaire the world contained but one leader of a mob faction, brawling for liberty; but he was President of the United States. No miraculous sagacity was needed to foretell what treatment he was likely to receive at the hands of two men like Canning and Bonaparte, should the empire of the world ever be divided between them. To throw lasting ridicule upon all systems of democratic equality was Canning's most passionate wish, and his success was marvellous. Even his squibs exploded like rockets. In literature, his "Needy Knife-grinder" was a harmless piece of clever satire, but in the "Anti-Jacobin" it was a political event.

In Parliament Canning's influence was not yet very great. He relied too much on wit, and what was then called quizzing, or he imitated Pitt's oratory too closely; but even in the House of Commons he steadily won ground, and while Burke, Pitt,

Fox, Windham, and Sheridan, one after another, disappeared or were thrown into the shade, Canning's figure became more prominent on the Treasury Bench between two such foils as Spencer Perceval and Lord Castlereagh. Although his mind ripened slowly, and was still far from maturity, he was already a master in choice of language; he always excelled in clearness of statement and skill of illustration; and if his taste had been as pure as his English, he would have taken rank with the greatest English orators. Some of his metaphors survived, with those of Burke and Sheridan. When Napoleon was forced back to the Elbe, "the mighty deluge, by which the Continent had been overwhelmed, began to subside; the limits of nations were again visible; and the spires and turrets of ancient establishments began to reappear above the subsiding wave." In addressing the people at Plymouth, he likened England to a line-of-battle ship; "one of those stupendous masses now reposing on their shadows in perfect stillness," but ready at a sign to ruffle, as it were, its swelling plumage, to awaken its dormant thunder. Such eloquence recalled Burke at his less philosophical moments. It contained more rhetoric than thought; but Canning was there at his best. At his worst, as Americans commonly saw him, his natural tones seemed artificial, and only his imitations seemed natural. To Americans Canning never showed himself except as an actor. As an instance of his taste, Americans could best appreciate the climax with which he once

electrified the House of Commons in speaking of the Spanish American Republics: "I called the new world into existence to redress the balance of the old." The House cheered to the echo, while America stood open-mouthed in astonishment at the success of such extravagant egoism.

In the new Ministry of 1807, the lead was to the strongest; and Canning, who treated with almost open contempt his rival Lord Castlereagh, a man intellectually his inferior, could count upon a great destiny. Less scrupulous or less broad than Pitt, he held that Napoleon's course had absolved England from ordinary rules of morals. To fight Bonaparte with his own weapons had become the duty of Englishmen; and the first act of the new Administration showed what meaning was to be put on this favorite phrase.

February 8, Napoleon fought the desperate battle of Eylau, which closely resembled a defeat. His position was critical; but before Canning could fairly get control of events, Napoleon, June 14, again attacked the Russians at Friedland and won a decisive victory. June 25 Napoleon and Alexander held an interview on an island in the Niemen. The chief point in question was whether Alexander would abandon England; and this he was almost glad to do, for England had abandoned him. Alexander yielded to the force and flattery of Napoleon, and signed July 7 the treaty of Tilsit. By a private understanding the remaining neutrals were left to Napoleon to be dealt with as he

pleased. Denmark was the only neutral power the control of which was necessary for the success of Napoleon's system, and August 2 he sent orders to Bernadotte, who was to command at Hamburg: "If England does not accept the mediation of Russia, Denmark must declare war upon her, or I will declare war on Denmark."¹ Finding that the Prince Royal hesitated, Napoleon, August 17, sent orders² to Bernadotte to hold himself ready with all his troops to march into Denmark either as ally or enemy, according to the issue of the pending negotiation. Threatened by this overwhelming danger, the Prince Royal of Denmark alternately promised and evaded the declaration of war; when suddenly his doubts were brought to an end by the diplomacy of Canning.

The British ministry had been secretly informed of what took place at Tilsit, and even without secret information could not have doubted the fate of Denmark. Vigor was necessary; and as early as July 19, before news had arrived of the formal signature of the Tilsit treaty, the Cabinet decided on sending to Copenhagen a large naval expedition which had been collected for a different purpose. July 26 the expedition, commanded by Lord Gambier, sailed from the Downs. It consisted of some twenty ships of the line, forty frigates, and transports containing twenty-seven

¹ Correspondance, xv. 467.

² Napoleon to Berthier, Aug. 17, 1807; Correspondance, xv. 504.

thousand troops commanded by Lord Cathcart; and it carried a diplomatic agent with instructions to require from the Prince Royal of Denmark the delivery of the Danish fleet, as a temporary security for the safety of England.

The man whom Canning charged with this unpleasant duty was the same Jackson whose appointment as Minister to the United States had been opposed by Rufus King, and who had subsequently gone as British minister to Berlin. Jackson's dogmatic temper and overbearing manners made him obnoxious even to the clerks of the Foreign Office;¹ but he was a favorite with Lord Malmesbury, who since Pitt's death had become Canning's political mentor, and Lord Malmesbury's influence was freely used in Jackson's behalf. Obeying his instructions, the British envoy went to Kiel and had an interview with the Prince Royal early in August, at about the time when Napoleon issued his first orders to Bernadotte. The Prince could only refuse with indignation Jackson's demand, and sent orders to Copenhagen to prepare for attack. He was in the situation of Barron on the "Chesapeake." Copenhagen had hardly a gun in position, and no troops to use in defence.

The British demand was in itself insulting enough, but Jackson's way of presenting it was said to have been peculiarly offensive, and London soon rang with stories of his behavior to the unfortunate Prince

¹ Malmesbury's Diary, iv. 392.

Royal.¹ Even the King of England seemed to think that his agent needed rebuke. Lord Eldon, who was one of the advisers and most strenuous supporters of the attack on Copenhagen, — although he said in private that the story made his heart ache and his blood run cold, — used to relate,² on the authority of old King George himself, that when Jackson was presented at Court on his return from Copenhagen the King abruptly asked him, “Was the Prince Royal upstairs or down, when he received you?” “He was on the ground floor,” replied Jackson. “I am glad of it! I am glad of it!” rejoined the old King; “for if he had half the spirit of his uncle George III., he would infallibly have kicked you downstairs.” The Prince did not kick Mr. Jackson, though the world believed he had reason to do so, but he declined to accept the British envoy’s remark that in war the weak must submit to the strong; and Lord Gambier landed twenty thousand men, established batteries, and for three days and nights, from September 1 to September 5, bombarded Copenhagen. The city was neither invested nor assaulted nor intended to be occupied; it was merely destroyed, little by little, — as a bandit would cut off first an ear, then the nose, then a finger of his victim, to hasten payment of a ransom. At the end of the third day’s bombardment, when at last the Danish ships were delivered, the bodies of near two thousand

¹ Morning Chronicle, Oct. 7, 1807.

² Campbell’s Lord Chancellors, ix. 288, *n*.

non-combatants lay buried in the smoking ruins of about one half the city. At the same time all the Danish merchant-vessels in English waters, with their cargoes, to the value of ten million dollars, were seized and confiscated; while the Danish factory in Bengal was, without warning, swept into England's pouch.

At the news of the awful tragedy at Copenhagen, Europe, gorged as for fifteen years she had been with varied horrors, shuddered from St. Petersburg to Cadiz. A long wail of pity and despair rose on the Continent, was echoed back from America, and found noble expression in the British Parliament. The attack upon the "Chesapeake" was a caress of affection compared with this bloody and brutal deed. As in 1804 Bonaparte — then only First Consul, but about to make himself a bastard Emperor — flung before the feet of Europe the bloody corpse of the Duc d'Enghien, so George Canning in 1807, about to meet Bonaparte on his own field with his own weapons, called the world to gaze at his handiwork in Copenhagen; and the world then contained but a single nation to which the fate of Copenhagen spoke in accents of direct and instant menace. The annihilation of Denmark left America almost the only neutral, as she had long been the only Republican State. In both characters her offences against Canning and Perceval, Castlereagh and Eldon, had been more serious than those of Denmark, and had roused to exasperation the temper of England. A single

ship of the line, supported by one or two frigates, could without a moment's notice repeat at New York the tragedy which had required a vast armament at Copenhagen; and the assault on the "Chesapeake" had given warning of what the British navy stood ready to do. Other emphatic omens were not wanting.

About July 27 — the day after Lord Gambier's fleet sailed from the Downs, and the day when Monroe first saw in the newspapers an account of the "Leopard's" attack on the "Chesapeake" — the American minister might have read a report made by a committee of the House of Commons on the commercial state of the West Indian Islands. The main evil, said the committee,¹ was the very unfavorable state of the foreign market, in which the British merchant formerly enjoyed nearly a monopoly. "The result of all their inquiries on this most important part of the subject has brought before their eyes one grand and primary evil from which all the others are easily to be deduced; namely, the facility of intercourse between the hostile colonies and Europe under the American neutral flag, by means of which not only the whole of their produce is carried to a market, but at charges little exceeding those of peace, while the British planter is burdened with all the inconvenience, risk, and expense resulting from a state of war." To correct this evil, a block-

¹ Cobbett's Debates, ix., Appendix lxxx.; Atcheson's American Encroachments, Appendix No. viii. 114.

ade of the enemies' colonies had been suggested; "and such a measure, if it could be strictly enforced, would undoubtedly afford relief to our export trade. But a measure of more permanent and certain advantage would be the enforcement of those restrictions on the trade between neutrals and the enemies' colonies which were formerly maintained by Great Britain, and from the relaxation of which the enemies' colonies obtain indirectly, during war, all the advantages of peace."

In its way this West Indian Report was stamped with the same Napoleonic character as the bombardment of Copenhagen or the assault on the "Chesapeake;" in a parliamentary manner it admitted that England, with all her navy, could not enforce a blockade by lawful means, and therefore it had become "a matter of evident and imperious necessity" that she should turn pirate. The true sense of the recommendation was neither doubted nor disputed in England, except as matter of parliamentary form. That the attempt to cut off the supply of French and Spanish sugar from Europe, either by proclaiming a paper blockade or the Rule of 1756, might result in war with the United States was conceded, and no one in private denied that America in such a case had just cause for war. The evidence upon which the Report founded its conclusion largely dealt with the probable effect on the colonies of a war with the United States; and the Report itself, in language only so far veiled as to be decent, intimated that although war would

be essentially detrimental to the islands it would not be fatal, and would be better than their actual condition. The excuse for what every reasonable Englishman frankly avowed to be "a system of piracy,"¹ was that the West Indian colonies must perish without it, and England must share their fate. In vain did less terrified men, like Alexander Baring or William Spence, preach patience, explaining that the true difficulty with the West Indies was an over-production of sugar, with which the Americans had nothing to do.

"To charge the distresses of the West Indian planters upon the American carriers," said Spence,² "is almost as absurd as it would be for the assassin to lay the blame of murder upon the arsenic which he had purposely placed in the sugar-dish of his friend."

Thus Parliament, Ministry, navy, colonies, the shipping and the landed interest of England had wrought public opinion to the point of war with the United States at the moment when Lord Gambier bombarded Copenhagen and the "Leopard" fired into the "Chesapeake." The tornado of prejudice and purposeless rage which broke into expression on the announcement that a British frigate had fired into an American, surpassed all experience. The English newspapers for the year that followed the "Chesapeake" affair seemed irrational, the drunkenness of power incredible. The Americans, according to the "Morn-

¹ The Radical Cause, etc., by William Spence, 1808, p. 43.

² The Radical Cause, etc., by William Spence, 1808, p. 19.

ing Post" of Jan. 14, 1808, "possess all the vices of their Indian neighbors without their virtues;" and two days afterward the same newspaper — which gave tone to the country press — declared that England was irresistible: "Our vigor and energy have just reached that sublime pitch from which their weight must crush all opposition."

No one could say for how much of this extravagance Canning was directly responsible; but the tone of the press was certainly an echo of the tone he had so long taken, and which he stimulated. That he was really so reckless as he seemed need not be imagined; although eighteen months afterward, Lord Grenville with the utmost emphasis said in the House of Lords,¹ "I do firmly believe that it is the object of his Majesty's ministers to do everything in their power to force America into hostility with this country." Lord Grenville occasionally exaggerated, and he was probably mistaken in this instance; but he found it possible to believe ministers capable of acting with the motive he charged on them. In truth he had strong ground for the opinion he held, which was by no means peculiar to him. As early as July 27, 1807, the "Morning Chronicle," in announcing the first news of the "Chesapeake" affair, added:—

"We trust it is of a nature to be adjusted without that most ruinous of all follies yet left us to be guilty of, — an American war. We have rather more fear than hope

¹ Cobbett's Debates (Feb. 17, 1809), xii. 776.

however on the subject, when we reflect that the present ministers are of those who consider an American war as rather desirable."

Within a short time the "Morning Post" avowed and proclaimed, in articles evidently inspired by Government, the wish for war with America:¹—

"A war of a very few months, without creating to us the expense of a single additional ship, would be sufficient to convince her of her folly by a necessary chastisement of her insolence and audacity."

In January, 1808, the same newspaper spoke even more plainly:²—

"For us, we have always been of the opinion that in the present temper of the American government no relations of amity can be maintained with that nation unless at the expense of our dearest rights and most essential interests."

Perhaps this tone was taken partly with the idea of terrifying the Americans into obedience; but beyond question a strong party leaned to violence. Monroe, who had the best means of knowing, felt no doubts on this point, and warned the President of the danger to the United States.

"There has been," he wrote Aug. 4, 1807,³ "at all times since the commencement of the present war, a strong party here for extending its ravages to them. This party is composed of the shipowners, the navy, the

¹ The Morning Post, Nov. 12, 1807.

² The Morning Post, Jan. 13, 1808.

³ Monroe to Madison, Aug. 4, 1807; State Papers, iii. 186.

East and West India merchants, and certain political characters of great consideration in the State. So powerful is this combination that it is most certain that nothing can be obtained of the government on any point but what may be extorted by necessity."

Insane as such a policy might seem, Lord Grenville's charge against ministers had solid ground.

Special interests were commonly blind to the general good. That the navy, the mercantile marine, and the colonies should have favored war with America was not surprising; but that the mania should have seized upon the English nation at large was a phenomenon to be explained only by general causes. The true explanation was not far to seek; the secret, if secret it could be called, was the inevitable result of Jefferson's passion for peace,—social and political contempt. This feeling was unbounded, pervading all parties and all classes, and finding expression in the most gross as in the simplest and least intentional forms.

"Hatred of America," said one of the numerous British pamphleteers of the time,¹ "seems a prevailing sentiment in this country. Whether it be that they have no crown and nobility, and are on this account not quite a *genteel* Power; or that their manners are less polished than our own; or that we grudge their independence, and hanker after our old monopoly of their trade; or that they closely resemble us in language, character, and

¹ Orders in Council; or, An Examination of the Justice, Legality, and Policy of the New System, etc. (London, 1808), p. 61.

laws; or finally, that it is more our interest to live well with them than with any other nation in the world, — the fact is undeniable that the bulk of the people would fain be at war with them.”

The Somersetshire squire and the chancery barrister in Westminster Hall — the extremes of national obtuseness and professional keenness — agreed in despising America. The pompous Lord Sidmouth, the tedious Lord Sheffield, the vivacious Canning, the religious Perceval, and the merry-andrew Cobbett — whose genius was peculiar in thinking itself popular — joined hands in spreading libels against a people three thousand miles away, who according to their own theory were too contemptible to be dangerous. Except a few Whig noblemen, a number of Yorkshire and Lancashire manufacturers and a great mass of the laboring people, or American merchants like the Barings, and one or two Scotch Liberals who wrote in the “Edinburgh Review,” the English public had but one voice against Americans. Young Henry Brougham, not yet thirty years old, whose restless mind persistently asked questions which parsons and squires thought absurd or impious, speculated much upon the causes of this prejudice. Was it because the New York dinners were less elegant than those of London, or because the Yankees talked with an accent, or because their manners were vulgar? No doubt a prejudice might seize on any justification, however small; but a prejudice so general and so deep became respectable, and needed a correct ex-

planation. The British nation was sometimes slow-witted, and often narrow-minded, but was not insane.

For a thousand years every step in the progress of England had been gained by sheer force of hand and will. In the struggle for existence the English people, favored by situation, had grown into a new human type,—which might be brutal, but was not weak; which had little regard for theory, but an immense and just respect for facts. America considered herself to be a serious fact, and expected England to take her at her own estimate of her own value; but this was more than could reasonably be asked. England required America to prove by acts what virtue existed in her conduct or character which should exempt her from the common lot of humanity, or should entitle her to escape the tests of manhood,—the trials, miseries, and martyrdoms through which the character of mankind had thus far in human history taken, for good or bad, its vigorous development. England had never learned to strike soft in battle. She expected her antagonists to fight; and if they would not fight, she took them to be cowardly or mean. Jefferson and his government had shown over and over again that no provocation would make them fight; and from the moment that this attitude was understood, America became fair prey. Jefferson had chosen his own methods of attack and defence; but he could not require England or France to respect them before they had been tried.

Contempt for America was founded on belief in American cowardice; but beneath the disdain lurked an uneasy doubt which gave to contempt the virulence of fear. The English nation, and especially the aristocracy, believed that America was biding her time; that she expected to become a giant; and that if she succeeded, she would use her strength as every other giant in the world's history had done before her. The navy foresaw a day when American fleets might cover the ocean. The merchant dreaded competition with Yankee shrewdness, for he well knew the antiquated processes, the time-honored percentages, the gross absurdities of English trade, the abuses of the custom-house, the clumsiness and extravagance of government. The shipowners had even more cause for alarm. Already the American ship was far in advance of the British model,—a swifter and more economical sailer, more heavily sparred and more daringly handled. In peace competition had become difficult, until the British shipowner cried for war; yet he already felt, without acknowledging it even to himself, that in war he was likely to enjoy little profit or pleasure on the day when the long, low, black hull of the Yankee privateer, with her tapering, bending spars, her long-range gun, and her sharp-faced captain, should appear on the western horizon, and suddenly, at sight of the heavy lumbering British merchantman, should fling out her white wings of canvas and fly down on her prey.

Contempt, mingled with vague alarm, was at the bottom of England's conduct toward America; and whatever the swarm of newspaper statesmen might say or think, the element of alarm was so great that the Tory ministers, although they might expect war, did not want it, and hoped to prevent it by the very boldness of their policy. Even Canning was cautious enough to prefer not to give America occasion for learning her strength. He meant to clip her wings only so far as she would submit to have her wings clipped; and he not only astonished but disgusted the over-zealous politicians who applauded Admiral Berkeley, by disavowing the admiral's doctrines of international law and recalling the admiral himself. The war faction broke into a paroxysm of rage¹ when this decision became known, and for a time Canning seemed likely to be devoured by his own hounds, so vociferous was their outcry. Monroe and Pinkney were loud in praise of Canning's and Perceval's temperate and candid behavior.²

Canning was obliged to defend himself, and under his promptings a long reply to his critics was written for the "Morning Post,"³ — a newspaper version of the instructions carried by his special minister to Washington. He excused his treatment of Admiral

¹ Brougham to Lord Howick, Nov. 7, 1807; Brougham's *Memoirs*, i. 386.

² Brougham to Lord Howick, Nov. 7, 1807; Brougham's *Memoirs*, i. 383.

³ The *Morning Post*, Oct. 23, 1807.

Berkeley on the ground that lawyers recognized no right of search in national ships. The excuse was evidently feeble. The law, or at least the lawyers, of England had hitherto justified every act which the government had chosen to commit, — the seizure of the Spanish treasure-ships in 1804, accompanied by the unnecessary destruction of hundreds of lives ; the secret seizure of the larger part of American commerce in 1805, by collusion with the Admiralty judges ; the paper blockade of Charles James Fox in 1806 ; the Order in Council of January, 1807, by which Lord Howick cut off another main branch of neutral commerce with which England had no legal right to interfere ; finally, the lawyers justified the bombardment of Copenhagen as an act of necessary defence, and were about to justify a general control of all neutral commerce as an act of retaliation. To suppose that law so elastic, or lawyers with minds so fertile, could discover no warrant for Berkeley's act was preposterous. To neutral commerce England had no legal right ; yet she took it, and her lawyers invented a title. To her citizens and seamen she actually had a legal right, recognized by every court in Christendom ; and if after a fair demand on the neutral government she found that her right could be satisfied only by violating neutral jurisdiction, the lawyers, in view of all their other decisions, must hold that such violation was a matter of expediency and not of law. Canning's critics in reply to his assertion that the lawyers would recognize no right

of search in national ships, could fairly say that he was alone to blame,—he should have ordered them to find it. George Canning could not seriously propose to sacrifice a vital English interest in obedience to the scrupulous legal morality of Spencer Perceval, Lord Eldon, Sir William Scott, and Sir Vicary Gibbs.

In truth, Canning had reasons more forcible. With a character not unlike that which Dryden ascribed to Lord Shaftesbury, he was pleased with the danger when the waves ran high; and if he steered too near the shoals in order to prove his wit, he did not wish to run the vessel ashore. He disavowed Admiral Berkeley, not because the lawyers were unable to prove whatever the government required, but because the right of searching foreign ships-of-war was not worth asserting, and would cost more than it could ever bring in return. Besides this obvious reason, he was guided by another motive which would alone have turned the scale. Perceval had invented a scheme for regulating neutral commerce. This measure had begun to take a character so stern that even its author expected it to produce war with the United States; and if war could be avoided at all, it could be avoided only by following Erskine's advice, and by sending to America, before the new Orders in Council, an apology for the attack on the "Chesapeake."

CHAPTER IV.

THE Orders in Council of Nov. 11, 1807, gave an impulse so energetic to the history of the United States; they worked so effectually to drive America into a new path, and to break the power and blot out the memory of Virginia and Massachusetts principles,—that every detail of their history was important. Englishmen were little likely to dwell on acts of which even at the time England was at heart ashamed, and which she afterward remembered with astonishment. To Americans alone the statesmanship of Spencer Perceval and George Canning was a matter of so much interest as to deserve study.

At the close of the year 1806 American merchants might, as always before, send cargoes of West Indian produce to any port on the continent not blockaded, provided they could satisfy British cruisers and courts that the cargo was in good faith neutral,—not French or Spanish property disguised. Jan. 7, 1807, Lord Howick issued the Order in Council which, under pretence of retaliation for Napoleon's Berlin Decree, cut off the coasting rights of neutrals. After that time the American merchant might still send a ship to Bordeaux; but if the ship, finding no

market at Bordeaux, should resume her voyage, and make for Amsterdam or the Mediterranean, she became fair prize. Something has been already said¹ upon the character of Lord Howick's order, and on the subsequent debate in Parliament, when, February 4, Spencer Perceval attacked the Whig ministry for not carrying the principle of retaliation far enough. Two objects were to be gained, said Perceval² from the opposition bench: the first and greatest was to counteract the enemy's measures and protect English trade; the second was to distress France. Howick's order neither did nor could effect either object; and Perceval called for a measure which should shut out colonial produce from France and Spain altogether, unless it came from England and had paid a duty at a British custom-house to enhance the price. If Lord Howick's principle of retaliation was good for anything, Perceval contended it was good to this extent; and as for neutrals, there was no necessity for consulting them, — all they could reasonably expect was a notice.

The Whigs naturally replied to Perceval that before further punishing America for the acts of France, America should be allowed time to assert her own rights. This suggestion called out Lord Castlereagh, who frequently spoke the truth in ways inconvenient to his colleagues and amusing to his enemies. In this instance he admitted and even accented a point

¹ See vol. iii. p. 416.

² Cobbett's Debates, Feb. 4, 1807, viii. 620-656.

which became afterward the strongest part of the American argument. He ridiculed the idea of waiting for America to act, because notoriously the Berlin Decree had not been enforced against American commerce :—

“ This is one ground why we should look upon America with jealousy. It is an aggravation that she has, by a secret understanding with the French government, contrived to take her shipping out of the operation of the decree, that was at first general, and placed herself in a situation of connivance with the French government ”

A few weeks afterward Perceval and Castlereagh took office. One of their first acts set on foot a parliamentary inquiry into the state of West Indian commerce. The report of this committee, presented to the House July 27, was ordered to be printed August 8. August 10 the House voted to take it into consideration early in the next session ; and four days afterward Parliament was prorogued, leaving ministers to deal at their leisure with the “ Chesapeake ” affair, the Danish fleet, and Napoleon’s attempts to exclude English manufactures and commerce from Europe.

Napoleon’s Berlin Decree of Nov. 21, 1806, had remained till then almost a dead letter. The underwriters at Lloyds, alarmed at first by the seizures made under that decree, recovered courage between April and August, 1807, so far as to insure at low rates neutral vessels bound to Holland and Hamburg. This commerce attracted Napoleon’s notice.

August 19 he threatened his brother Louis, King of Holland, to send thirty thousand troops into his kingdom if the ports were not shut;¹ August 24 he sent positive orders² that his decree of Berlin should be executed in Holland; and in the last days of August news reached London that a general seizure of neutral vessels had taken place at Amsterdam.³ From that moment no ship could obtain insurance, and trade with the Continent ceased. Soon afterward the American ship "Horizon" was condemned by the French courts under the Berlin Decree, and no one could longer doubt that the favor hitherto extended to American commerce had also ceased.

These dates were important, because upon them hung the popular defence of Perceval's subsequent Orders in Council. No argument in favor of these orders carried so much weight in England as the assertion that America had acquiesced in Napoleon's Berlin Decree. The President had in fact submitted to the announcement of Napoleon's blockade, as he had submitted to Sir William Scott's decisions, Lord Howick's Order in Council, the blockade of New York, and the custom of impressment, without effectual protest; but the Berlin Decree was not enforced against American commerce until about Sept. 1, 1807,

¹ Napoleon to Champagny, Aug. 19, 1807; Correspondance, xv. 509.

² Same to Same, Aug. 24, 1807; Ibid., p. 542.

³ Parliamentary Inquiry, 1808; Evidence of Robert Shedden and Mr. Hadley.

and no one in America knew of the enforcement, or could have acted upon it, before the British government took the law into its own hands.

The month of September passed, and the British ministry was sufficiently busy with the bombardment of Copenhagen and the assault on the "Chesapeake," without touching neutral trade; but October 1 Lord Castlereagh wrote a letter¹ to Perceval, urging retaliation upon France in order to make her feel that Napoleon's anti-commercial system was useless, and in order to assert for future guidance the general principle that England would reject any peace which did not bring commerce with it. The idea presented by Castlereagh was clear and straightforward, — the double-or-quits of a gambler; and however open to the charge of ignorance or violence, it was not mean or dishonest.

In reply Perceval drew up a paper of suggestions² for the use of the Cabinet, dealing first with the justice, next with the policy of retaliation. Of its justice as against France he thought there could be no doubt, while Lord Howick's order had already asserted the principle as against neutrals, even before it could be known whether neutrals would retaliate on their own account; but apart from this precedent, "the injury which neutrals sustain is consequential; the measure

¹ Castlereagh to Perceval, Oct. 1, 1807; Castlereagh Correspondence, viii. 87.

² Original Suggestions to the Cabinet, Oct. 12, 1807; Perceval MSS.

is not adopted with a view to injure the neutrals, but to injure the enemy." Perhaps Perceval felt that this argument might lead too far, and that on such a doctrine England might appropriate the world on every declaration of war; for in the next paragraph he pleaded the particular war in which England was actually engaged as his warranty:—

"When an enemy arises who declares to all the world that he will trample upon the law of nations, and hold at nought all the privileges of neutral nations when they do not suit his belligerent interests; and when by the great extent of his power he is enabled in great measure to act up to his declaration, — it is evident that if those Powers with which he is at war should continue to hold themselves bound to rules and obligations of which he will not acknowledge the force, they cannot carry on the contest on equal terms. And the neutral who would control their hostility by those rules and laws which their enemy refuses to recognize, and which such neutral does not compel that enemy to observe, ceases to be a neutral by ceasing to observe that impartiality which is the very life and soul of neutrality."

This allegation differed from the first. Perceval began by maintaining that England possessed a right, if she chose, to suppress the existence of America or of any other neutral, provided the suppression were consequential on an intent to injure France. He next argued that the existence of America might be equally suppressed because she had not yet succeeded in compelling France to observe neutral privi-

leges, which so far as she was concerned had not been violated. If these two propositions were worth making, they should have settled the question. Yet Perceval was not satisfied; he took a third ground:—

“This question, however, need not now be argued to the extent which was necessary to justify the assertion of the late Government; because whatever might be the doubts upon it when the decree of France first issued, and before it was known to what extent neutrals would resist or acquiesce in it, since those neutrals have acquiesced in it, or at least have not resisted or resented it to the extent of obtaining a formal recall of the decree and an open renunciation of the principle which dictated it, nor the abandonment of the practices which flow from it, —they by their acquiescence and submission have given to Great Britain a right to expect from them (when her interests require the exertion of measures of correspondent efficacy) a forbearance similar to that which they have shown toward her enemy.”

If Perceval's two opening premises gave a strange idea of English statesmanship, his third was little creditable to the English bar. He took the ground that England might do what she would with American commerce, because America, whatever effort she might have made, had not already forced Napoleon to recall a decree from the application of which the United States notoriously had till within six weeks been exempted. Lord Castlereagh's doctrine that America's exemption aggravated her offence was a wide-minded argument by the side of Perceval's assertion that America's acquiescence was proved by the

French decree itself. Considering that America had in this sense acquiesced in Sir William Scott's decisions and the wholesale confiscation of her commerce, in the impressment of her native citizens and their compulsory service in the British navy, in the blockade of New York, in Fox's paper blockade of the German coast, in Lord Howick's Order in Council, and perhaps even in the "Chesapeake" outrage, — Perceval's argument must have seemed convincing to Napoleon, if not to President Jefferson. If the law of nations thus laid down was sound, the continued presence of American citizens in British ships of war was alone sufficient proof of American acquiescence in impressment to warrant Napoleon in acting without regard to neutral rights. From a neutral or French point of view Perceval's reasoning not only conceded the legality of the Berlin Decree, but barred his own right of retaliation, since England, as the first and worst offender, could not properly profit by her own misdeeds.

There Perceval rested his case, so far as concerned the law. His three grounds were — (1) That as a neutral the United States could complain of no retaliation between belligerents, unless this retaliation was avowedly adopted with a view to injure neutrals; (2) That America ceased to be a neutral from the moment that she wished England to observe rules which France refused to recognize, and which America did not at once compel France to recognize; and (3) That the continued existence and

recent enforcement of the Berlin Decree were sufficient proof of the neutral's acquiescence.

Thus a measure of vital consequence to England was proposed to the Cabinet on grounds which would hardly have been sufficient to warrant an injunction to restrain a private nuisance. So far as argument was concerned, Perceval had no more to say. Having in his opinion established his legal right to do what he pleased with American commerce, he next discussed the policy and extent of the proposed interference. His first idea was comparatively moderate.

“If we actually prohibit all intercourse between neutrals and the enemies' colonies,” he continued, “or between neutrals and the enemies' continental possessions, it would be such a severe blow upon the trade of America as might make it no unreasonable choice on her part to prefer the dangers and chances of war to such a restriction upon her trade. I should therefore wish to leave such advantages still to neutral trade as to make it quite clear to be the policy of America, if she is wise, to prefer the neutral trade that will be left to her to the total stoppage of her trade with the enemy and with ourselves which a war might occasion. . . . With this view, therefore, I would recommend to relax thus far in the rigor of our retaliatory prohibitions as to leave to neutral nations the right of trading *directly* in articles of their own growth, produce, and manufacture exported in their own vessels to enemies' countries, and of importing from the enemies' countries for their own use articles the growth, produce, and manufacture of such enemies'

countries; that is, leaving to them free the *direct* trade between the enemy and themselves in articles of their respective growth, etc., but to prohibit the re-exportation of any articles the growth, etc., of the enemies' countries or their colonies, or the carriage of them to any other country but their own."

Perceval's first suggestion was far from being so radical as the measure at last adopted. He proposed to cut off France from her colonies and force all trade between those colonies and Europe to pass through British hands; but an American ship laden with American cotton or wheat might still sail from the United States direct to France and return to the United States, or might carry provisions and lumber to Martinique and Cuba, carrying French or Spanish sugar back to New York. This so-called "direct" trade was to be untouched; the "indirect" or carrying trade between the West Indies and the continent of Europe was to be permitted only under special licenses to be issued by British authorities.

In this shape Perceval sent his suggestions to the Prime Minister, the Duke of Portland, who gave his entire approval to the principle of retaliation as against France, but wished to retaliate against France alone:¹ "Considering the unpopularity which, it cannot be denied, we are held in throughout the Continent, I very much doubt whether we should limit this intercourse beyond the actual dominions of

¹ Opinion of the Duke of Portland; Perceval MSS.

France. I am well aware that by admitting the intercourse with Holland and Spain, France will obtain circuitously those supplies which she will stand in want of."

This disadvantage, the Duke thought, could be largely compensated by a rigid observance of the navigation laws. The Duke's opinion was very short, and barely hinted at the American question.

John Fane, Earl of Westmoreland, Lord Privy Seal, — *Sot Privé*, or Privy Fool, as Canning afterward nicknamed him by a pun on the French word *sceau*,¹ — gave next his written opinion on the subject.² Going beyond either Perceval or Portland, he urged the expediency of stopping all trade with the enemy except through the medium of England, — "the effect of which must be either to distress them to such a degree as to induce a relaxation of their decrees, or to cause a great trade from this country. Its effect in case of an extension of hostility can certainly not be ascertained; but I am disposed to think that we cannot carry on war allowing our enemy advantages of commerce as in peace, and that if we only do what is right we must take our chance for the consequences."

The next opinion was apparently that of Lord Hawkesbury, the Home Secretary, who was also clear that Perceval's plan wanted energy. While supporting the Duke of Portland in narrowing its scope

¹ Stapleton's Canning, p. 411.

² Opinion of the Earl of Westmoreland; Perceval MSS.

to France, or at the utmost to Holland, he favored harsher treatment of America:¹

“I incline strongly to the opinion that it is expedient to put an end, as far as in us lies, to all intercourse by sea between neutrals and the continental dominions of France, and possibly of Holland. I am satisfied that the measure of retaliation as proposed in the enclosed paper would have no other effect than to raise the price of colonial produce in France to a small degree. It would offend neutrals, particularly the Americans, and inflict no adequate injury upon the enemy. But if we should determine to prevent all intercourse whatever with the ports of France except by British license, we should have it in our power to destroy at once all the remaining commerce of France, which by means of neutrals is not inconsiderable, and to strike a most important blow against her agriculture by preventing the exportation of her wines.”

Lord Hawkesbury kept in view the retaliatory character of the measure as a punishment of France. Lord Castlereagh, the Secretary for War, was not quite so careful.² He acquiesced in Perceval's scheme, provided it should reserve the right to extend its own application whenever the balance of advantage should favor the extension; but he added, —

“I am of opinion that some decisive measure, in vindication of our own commerce and in counteraction of the unsocial system of France, — the principle of which is not the growth of this war, but was acted upon by

¹ Opinion of Lord Hawkesbury; Perceval MSS.

² Opinion of Lord Castlereagh; Perceval MSS.

her throughout the late short peace,—is become indispensable, not merely as a measure of commercial policy, but in order to put the contest in which we are engaged upon its true grounds in the view of our own people and of the world. It is no longer a struggle for territory or for a point of honor, but whether the existence of England as a naval power is compatible with that of France.”

Avowing that a commercial transaction was his object, and that the punishment of France was secondary to a “vindication of our own commerce,” Castlereagh assumed that punishment of France and “vindication” of English commerce were both belligerent rights, as though the right to kill an adversary in a duel implied the right to pick a bystander’s pocket. His colleague and rival Canning was not so confused, for Canning’s duties obliged him to defend the new policy against neutral objections. Carefully as the other ministers mingled the ideas of retaliation and of commerce, the double motive of Perceval’s measure had never been concealed; the intention to permit a licensed trade with France was avowed. Perceval and Castlereagh wanted, not to take commerce from France, but to force commerce upon her; and none of their colleagues could detect this inconsistency so readily as Canning, whose duties would oblige him to assert before the world that retaliation alone was the object of a measure which he privately knew to have no motive but that of commercial rivalry. Canning’s written opinion, beginning by

affirming in strong terms the right and justice of retaliation, continued as follows:¹—

“The question of policy is all that remains; and in this view I should think all such modifications as go to lighten the burden imposed upon neutrals, and as are obviously intended for that purpose, more advisable than any direct reservations for our own interest and advantage. For this reason I would rather confine the measure to a part of the countries in the occupation of the enemy (a large part to be sure, — France and Holland, for instance), and apply it in all its rigor to that part, than extend it to the whole and relax it generally by complicated exceptions and regulations. And I would keep out of sight the exceptions in favor of ships going from this country, the benefit of which might be equally obtained by licenses; but the *publication* of that exception would give to the measure the air of a commercial rather than a political transaction.”

By the end of October all the Cabinet opinions were in Perceval's hands, and he began the task of drafting the proposed orders. His original draft² contained an elaborate preamble, asserting that Napoleon's decrees violated the laws of nations, which Perceval broadly maintained were binding on one belligerent only when the obligation was reciprocally acknowledged by the other; that neutrals had not resented and resisted the outrage, “nor interposed with effect for obtaining the revocation of those orders, but on the con-

¹ Opinion of Mr. Canning; Perceval MSS.

² First Draft of Orders in Council, with remarks by Earl Bathurst; Perceval MSS.

trary the same have been recently reinforced ;” that Lord Howick’s retaliatory order had served only to encourage Napoleon’s attempts ; that his Majesty had a right to declare all the dominions of France and her allies in a state of blockade ; but “ not forgetting the interests of neutral nations, and still desirous of retaliating upon the commerce of his enemies with as little prejudice to those interests ” as was consistent with his purpose, he would for the present prohibit only trade which neutrals might be disposed to pursue in submission to the French decrees, and require that such trade should pass to or from some British port.

Then followed the order, which prohibited all neutral trade with the whole European sea-coast from Copenhagen to Trieste, leaving only the Baltic open. No American vessel should be allowed to enter any port in Europe from which British vessels were excluded, unless the American should clear from some British port under regulations to be prescribed at a future time.

This draft was completed in the first days of November, and was sent to Lord Bathurst, President of the Board of Trade, who mercilessly criticised the preamble, and treated his colleague’s law with as little respect as though Bathurst were an American.

“ I wish the principle of retaliation,” wrote Lord Bathurst, “ not to be unqualifiedly advanced, for which I think there is no necessity. May it not be said that in a contest with an unprincipled enemy the doctrine of

retaliation is one dangerous to admit without qualifications? I own I do not like the word. If my enemy commits an act of injustice, I am not therefore justified in committing the same, except so far as may be necessary, in consequence of his act, either to protect myself from injury, or prevent a recurrence to, or continuance in, such acts of injustice. All operations of war are justified only on the principle of defence. Retaliation seems to admit something of a vindictive spirit."

The Board of Trade was not usually scrupulous in dealing with American commerce; but in this instance Earl Bathurst let it be plainly seen that he wished to have no share of responsibility for Perceval's casuistry. The longer he studied the proposed order the less he liked it; and in the end he wrote an opinion contrary to his first. He withdrew his assent to the order altogether, and hinted some unpleasant truths in regard to it.

"Our ability to continue the war," he said,¹ "depends on our commerce; for if our revenues fail from a diminution of our commerce, additional imports will only add to the evil. The enemy forms one great military empire. The extent of country he covers does not render him so dependent on an export and import trade. The whole of that trade might perish and he could still continue the war. If one third of ours were to fail we should be soon reduced to peace."

The proposed order, Bathurst argued, not only restricted the neutral trade still further than had

¹ Opinion of Lord Bathurst in dissent to the Principle of Mr. Perceval's proposed Order; Perceval MSS.

been done by Napoleon, but risked war with Russia and America, without materially hurting France; he added an argument which struck at the foundation of Perceval's policy : —

“ The object of the proposed order, though general, is in fact nothing but the colonial trade carried on through America; and by making it general we unite Russia in defence of a trade with which she has no concern or any interest to defend. As far as America is concerned, it must be expected she will resist it; and an American war would be severely felt by our manufacturers, and even by the very class of merchants now so eager for some measure of relief. We might therefore have to fight for a rule of war, new, the policy of which would be questionable, to support an interest which would be the first to suffer by the war, — against two countries, one of which the order unnecessarily mixes in the question, and with both of which we have great commercial relations.”

Bathurst closed by expressing a preference for the Rule of 1756, or for a blockade of the West Indian Islands, — which, if the Admiralty thought it practicable, Bathurst considered as the best of all the measures proposed; but besides this radical change, he demanded certain alarming reforms. He complained to Perceval that already, even under the existing orders, such abuses prevailed that in order to prevent a public parliamentary inquiry he had been obliged by the general clamor of merchants to investigate their grievances : ¹ —

¹ Lord Bathurst to Spencer Perceval, Nov. 5, 1807; Perceval MSS.

“The result of the examination established the truth of the vexations to which the trade is now subject by privateers, who are enabled to persevere in them in consequence of the commercial restrictions and the proceedings of the Court of Admiralty. In a communication I had with Sir William Scott, who had been very angry with the inquiry, I proposed some regulations which, indeed, I knew would be unsatisfactory unless there were some alterations in the proceedings of his Court,—a subject which I did not venture to touch.”

Lord Bathurst's well-meant efforts for reform, gentle as they were, showed him the fortresses in which corruption was already entrenched. Sir William Scott, like his brother Lord Eldon, never relaxed his grasp on a profitable abuse. He gave cogent reasons for rejecting Lord Bathurst's suggestions, and could afford to disregard the danger of interference, for Spencer Perceval was completely under the influence of Lord Eldon. Bathurst urged Perceval to reform the license-system, so that at least the license should give complete protection to the cargo, no matter to whom the cargo might belong; and he hoped that this reform would put an end to the abuses of the Admiralty Court. “But,” he added, “I did not venture to give this as my reason before Sir John Nichol [advocate-general], for you must be aware that both his profits and those of Sir William Scott depend much on privateers and the litigations which, it is my hope, will by this alteration be considerably diminished.”

Many members of the British government and nearly the whole British navy were growing rich on the plunder of American commerce. From King George downward, mighty influences were involved in maintaining a system which corrupted law officers, judges, admirals, and even the King himself. Spencer Perceval's proposed Order in Council extended these abuses over whatever branches of commerce had hitherto been exempt; turned a new torrent of corruption into the government; and polluted the sources of British honor. In the light of Lord Bathurst's protest, and his significant avowal that the object of the proposed order, though general in form, was in fact nothing but the colonial trade carried on through America, Canning might well wish to *publish* nothing that would draw attention to what he called the "commercial" side of the affair. Jefferson's measures of peaceful coercion bore unexpected results, reacting upon foreign nations by stimulating every mean and sordid motive. No possible war could have so degraded England.

As the Cabinet came closer to the point, the political, or retaliatory, object of the new order disappeared, and its commercial character was exclusively set forth. In a letter written about November 30, by Spencer Perceval to Charles Abbot, Speaker of the House of Commons, not a word was said of retaliation, or of any political motive in this process of "recasting the law of trade and navigation, as far as

belligerent principles are concerned, for the whole world."

"The short principle is," said Perceval,¹ "that trade in British produce and manufactures, and trade either from a British port or with a British destination, is to be protected as much as possible. For this purpose all the countries where French influence prevails to exclude the British flag shall have no trade but to or from this country, or from its allies. All other countries, the few that remain strictly neutral (with the exception of the colonial trade, which backward and forward direct they may carry on), cannot trade but through this being done as an ally with any of the countries connected with France. If therefore we can accomplish our purpose, it will come to this, — that either those countries will have no trade, or they must be content to accept it through us. This is a formidable and tremendous state of the world; but all the part of it which is particularly harassing to English interests was existing through the new severity with which Bonaparte's decrees of exclusion against our trade were called into action. Our proceeding does not aggravate our distress from it. If he can keep out our trade he will; and he would do so if he could, independent of our orders. Our orders only add this circumstance: they say to the enemy, 'If you will not have *our* trade, as far as we can help it you shall have *none*; and as to so much of any trade as you can carry on yourselves, or others carry on with you through us, if you admit it you shall pay for it. The only trade, cheap and untaxed, which you shall have shall be either

¹ Spencer Perceval to Speaker Abbot; Diary and Correspondence of Lord Colchester, ii. 134.

direct from us, in our own produce and manufactures, or from our allies, whose increased prosperity will be an advantage to us.'"

These private expressions implied that retaliation upon France for her offence against international law was a pretence on the part of Perceval and Canning, under the cover of which they intended to force British commerce upon France contrary to French wishes. The act of Napoleon in excluding British produce from French dominions violated no rule of international law, and warranted no retaliation except an exclusion of French produce from British dominions. The rejoinder, "If you will not have *our* trade you shall have *none*," was not good law, if law could be disputed when affirmed by men like Lord Eldon and Lord Stowell, echoed by courts, parliaments, and press, — not only in private, but in public; not only in 1807, but for long years afterward; and not only at moments, but without interruption.

Thus Canning, although he warned Perceval against betraying the commercial object of his orders, instructed¹ Erskine at Washington to point out that American ships might still bring colonial produce to England, under certain regulations, for re-export to France. "The object of these regulations will be the establishment of such a protecting duty as shall prevent the enemy from obtaining the produce of his own colonies at a cheaper rate than that of the colonies of Great Britain." Not to distress France,

¹ Erskine to Madison, Feb. 23, 1808; State Papers, iii. 209.

but to encourage British trade, was, according to Canning, the object of this "political" weapon.

Thus Perceval, in the debate of Feb. 5, 1808, in discussing the policy of his order, affirmed that the British navy had been "rendered useless by neutral ships carrying to France all that it was important for France to obtain."¹ The Rule of 1756, he said, would not have counteracted this result,—a much stronger measure was necessary; and it was sound policy "to endeavor to force a market." Lord Bathurst, a few days afterward, very frankly told² the House that "the object of these orders was to regulate that which could not be prohibited,—the circuitous trade through this country,"—in order that the produce of enemies' colonies might "be subjected to a duty sufficiently high to prevent its having the advantage over our own colonial produce;" and Lord Hawkesbury, in the same debate, complained³ that neutrals supplied colonial produce to France at a much less rate than the English paid for it. "To prevent this," he said, "was the great object of the Orders in Council." James Stephen's frequent arguments⁴ in favor of the orders turned upon the commercial value of the policy as against neutrals; while George Rose, Vice-President of the Board of

¹ Cobbett's Debates, x. 328.

² Debate of Feb. 15, 1808; Cobbett's Debates, x. 471.

³ Debate of Feb. 15, 1808; Cobbett's Debates, x. 485.

⁴ Speech of James Stephen, March 6, 1809; Cobbett's Debates, xiii., Appendix lxxvi.

Trade, went still further, and not only avowed, in the face of Parliament, the hope that these Orders in Council would make England the emporium of all trade in the world, but even asserted, in an unguarded moment of candor, that it was a mistake to call the orders retaliatory, — they were a system of self-defence, a plan to protect British commerce.¹

Thus, too, the orders themselves, while licensing the export through England to France of all other American produce, imposed a prohibitive duty on the export of cotton, on the ground — as Canning officially informed² the American government — that France had pushed her cotton manufactures to such an extent as to make it expedient for England to embarrass them.

According to the public and private avowals of all the Ministry, the true object of Perceval's orders was, not to force a withdrawal of the Berlin Decree so far as it violated international law, but to protect British trade from competition. Perceval did not wish to famish France, but to feed her. His object was commercial, not political; his policy aimed at checking the commerce of America in order to stimulate the commerce of England. The pretence that this measure had retaliation for its object and the vindication of international law for its end was a legal fiction, made to meet the objections of America

¹ Debate of March 3, 1812 ; report in *Times and Morning Chronicle* of March 4, 1812.

² Erskine to Madison, Feb. 23, 1808 ; *State Papers*, iii. 209.

and to help Canning in maintaining a position which he knew to be weak.

After this long discussion, and after conferences not only with his colleagues in the Cabinet, but also with George Rose, Vice-President of the Board of Trade, with James Stephen, who was in truth the author of the war on neutrals, and with a body of merchants from the city, — at last, Nov. 11, 1807, Spencer Perceval succeeded in getting his General Order approved in Council. In its final shape this famous document differed greatly from the original draft. In deference to Lord Bathurst's objections, the sweeping doctrine of retaliation was omitted, so that hardly an allusion to it was left in the text; the assertion that neutrals had acquiesced in the Berlin Decree was struck out; the preamble was reduced, by Lord Eldon's advice, to a mere mention of the French pretended blockade, and of Napoleon's real prohibition of British commerce, followed by a few short paragraphs reciting that Lord Howick's order of Jan. 7, 1807, had "not answered the desired purpose either of compelling the enemy to recall those orders or of inducing neutral nations to interpose with effect to obtain their revocation, but on the contrary the same have been recently enforced with increased rigor;" and then, with the blunt assertion that "his Majesty, under these circumstances, finds himself compelled to take further measures for asserting and vindicating his just rights," Perceval, without more apology, ordered in effect that all American

commerce, except that to Sweden and the West Indies, should pass through some British port and take out a British license.

The exceptions, the qualifications, and the verbiage of the British Orders need no notice. The ablest British merchants gave up in despair the attempt to understand them; and as one order followed rapidly upon another, explaining, correcting, and developing Perceval's not too lucid style, the angry Liberals declared their belief that he intended no man to understand them without paying two guineas for a legal opinion, with the benefit of a chance to get a directly contrary opinion for the sum of two guineas more.¹ Besides the express provisions contained in the Order of November 11, it was understood that American commerce with the enemies of England must not only pass through British ports with British license, but that colonial produce would be made to pay a tax to the British Treasury to enhance its price, while cotton would not be allowed to enter France.

The general intention, however confused, was simple. After November 11, 1807, any American vessel carrying any cargo was liable to capture if it sailed for any port in Europe from which the British flag was excluded. In other words, American commerce was made English.

This measure completed, diplomacy was to resume its work. Even Canning's audacity might be stag-

¹ Baring's Inquiry, pp. 14, 15.

gered to explain how the government of the United States could evade war after it should fairly understand the impressment Proclamation of October 17, the Order in Council of November 11, and the Instructions of George Henry Rose, — who was selected by Canning as his special envoy for the adjustment of the “Leopard’s” attack on the “Chesapeake,” and who carried orders which made adjustment impossible. Such outrages could be perpetrated only upon a helpless people. Even in England, where Jefferson’s pacific policy was well understood, few men believed that peace could be longer preserved.

CHAPTER V.

THE curtain was about to rise upon a new tragedy, — the martyrdom of Spain. At this dramatic spectacle the United States government and people might have looked with composure and without regret, for they hardly felt so deep an interest in history, literature, or art as to care greatly what was to become of the land which had once produced Cortes, Cervantes, and Murillo; but in the actual condition of European politics their own interests were closely entwined with those of Spain, and as the vast designs of Napoleon were developed, the fortunes of the Spanish empire more and more deeply affected those of the American Union.

General Armstrong waited impatiently at Paris while Napoleon carried on his desperate struggle with the Emperor Alexander amid the ice and snows of Prussia. After the battle of Eylau the American minister became so restless that in May, 1807, he demanded passports for Napoleon's headquarters, but was refused. Had he gone as he wished, he might have seen the great battle of Friedland, June 14, and witnessed the peace of Tilsit, signed July 7, which swept away the last obstacle to Napoleon's schemes

against Spain and America. After the peace of Tilsit, Armstrong could foresee that he should have to wait but a short time for the explanations so mysteriously delayed.

Except Denmark and Portugal, every State on the coast of Europe from St. Petersburg to Trieste acknowledged Napoleon's domination. England held out; and experience proved that England could not be reached by arms. The next step in the Emperor's system was to effect her ruin by closing the whole world to her trade. He began with Portugal. From Dresden, July 19, he issued orders¹ that the Portuguese ports should be closed by September 1 against English commerce, or the kingdom of Portugal would be occupied by a combined French and Spanish army. July 29 he was again in Paris. July 31 he ordered Talleyrand to warn the Prince Royal of Denmark that he must choose between war with England and war with France. That the turn would next come to the United States was evident; and Armstrong was warned by many signs of the impending storm. August 2, at the diplomatic audience, the brunt of Napoleon's displeasure fell on Dreyer, the Danish minister, and on his colleague from Portugal; but Armstrong could see that he was himself expected to profit by the lesson. He wrote instantly to the Secretary of State.²

¹ Napoleon to Talleyrand, July 19, 1807; Correspondance, xv. 433.

² Armstrong to Madison, Aug. 3, 1807; State Papers, iii. 243.

“ We had yesterday our first audience of the Emperor since his return to Paris. Happening to stand near the minister of Denmark, I overheard his Majesty say to that minister: ‘ So, M. Baron, the Baltic has been violated!’ The minister’s answer was not audible to me; nor did it appear to be satisfactory to the Emperor, who repeated, in a tone of voice somewhat raised and peremptory, ‘ But, sir, the Baltic has been violated!’ From M. Dreyer he passed to myself and others, and lastly to the ambassador of Portugal, to whom, it is said, he read a very severe lecture on the conduct of his Court. These circumstances go far to justify the whispers that begin to circulate, that an army is organizing to the south for the purpose of taking possession of Portugal, and another to the north for a similar purpose with regard to Denmark; and generally, that, having settled the business of belligerents, with the exception of England, very much to his own liking, he is now on the point of settling that of neutrals in the same way. It was perhaps under the influence of this suggestion that M. Dreyer, taking me aside, inquired whether any application had been made to me with regard to a projected union of all commercial States against Great Britain, and on my answering in the negative, he replied: ‘ You are much favored, but it will not last!’ ”

A few days afterward another rumor ran through Paris. The Prince of Benevento was no longer Minister of Foreign Affairs, and his successor was to be M. de Champagny, hitherto Minister of the Interior. At first Armstrong would not believe in Talleyrand’s disgrace. “ It is not probable that this is very serious, or that it will be very durable,” he

wrote.¹ "A trifling cause cannot alienate such a master from such a minister; and a grave one could not fail to break up all connections between them." Reasonable as this theory seemed, it was superficial. The master and the minister had not only separated, but had agreed to differ and to remain outwardly friends. Their paths could no longer lie together; and the overwhelming power of Bonaparte — who controlled a million soldiers with no enemy to fight — made cabals and Cabinet opposition not only useless but ridiculous. Yet with all this, Talleyrand stood in silent and cold disapproval of the Emperor's course; and since Talleyrand represented intelligent conservatism, it was natural to suppose that the Emperor meant to be even more violent in the future than in the past. The new minister, Champagny, neither suggested a policy of his own, nor presumed, as Talleyrand sometimes dared, to argue or remonstrate with his master.

Toward the end of August Dreyer's prophecy became true. Napoleon's orders forced the King of Denmark and King Louis of Holland to seize neutral commerce and close the Danish and Dutch ports. The question immediately rose whether United States ships and property were still to be treated as exempt from the operation of the Berlin Decree by virtue of the treaty of 1800; and the Emperor promptly decided against them.

¹ Armstrong to Madison, Aug. 11, 1807; MSS. State Department Archives.

“In actual circumstances,” he wrote to Decrès,¹ “navigation offers all sorts of difficulties. France cannot regard as neutral flags which enjoy no consideration. That of America, however exposed it may be to the insults of the English, has a sort of existence, since the English still keep some measure in regard to it, and it imposes on them. That of Portugal and that of Denmark exist no longer.”

This opinion was written before the British ministry touched the Orders in Council; and the “sort of existence” which Napoleon conceded to the United States was already so vague as to be not easily known from the extinction which had fallen upon Portugal and Denmark. A few days afterward General Armstrong received officially an order² from the Emperor which expressly declared that the Berlin Decree admitted of no exception in favor of American vessels; and this step was followed by a letter³ from Champagny, dated October 7, to the same effect. At the same time the Council of Prizes pronounced judgment in the case of the American ship “Horizon,” wrecked some six months before near Morlaix. The Court decreed that such part of the cargo as was not of English origin should be restored to its owners; but that the merchandise which was acknowledged to be of English manufacture or to come from English

¹ Napoleon to Decrès, Sept. 9, 1807; Correspondance, xvi. 20.

² M. Regnier to the Procureur Général, Sept. 18, 1807; State Papers, iii. 244.

³ Champagny to Armstrong, Oct. 7, 1807; State Papers, iii. 245.

territory should be confiscated under the Berlin Decree. To this decision Armstrong immediately responded in a strong note¹ of protest to Champagny, which called out an answer from the Emperor himself.

“Reply to the American minister,” wrote Napoleon² to Champagny November 15, “that since America suffers her vessels to be searched, she adopts the principle that the flag does not cover the goods. Since she recognizes the absurd blockades laid by England, consents to having her vessels incessantly stopped, sent to England, and so turned aside from their course, why should the Americans not suffer the blockade laid by France? Certainly France is no more blockaded by England than England by France. Why should Americans not equally suffer their vessels to be searched by French ships? Certainly France recognizes that these measures are unjust, illegal, and subversive of national sovereignty; but it is the duty of nations to resort to force, and to declare themselves against things which dishonor them and disgrace their independence.”

Champagny wrote this message to Armstrong November 24, taking the ground that America must submit to the Berlin Decree because she submitted to impressments and search.³

As a matter of relative wrong, Napoleon's argu-

¹ Armstrong to Champagny, Nov. 12, 1807; State Papers, iii. 245.

² Napoleon to Champagny, Nov. 15, 1807; Correspondance, xvi. 165.

³ Champagny to Armstrong, Nov. 24, 1807; State Papers, iii. 247.

ment was more respectable than that of Spencer Perceval and George Canning. He could say with truth that the injury he did to America was wholly consequential on the injury he meant to inflict on England. He had no hidden plan of suppressing American commerce in order to develop the commerce of France; as yet he was not trying to make money by theft. His Berlin Decree interfered in no way with the introduction of American products directly into France; it merely forbade the introduction of English produce or the reception of ships which came from England. Outrageous as its provisions were, "unjust, illegal, and subversive of national sovereignty," as Napoleon himself admitted and avowed, they bore their character and purpose upon their face, and in that sense were legitimate. He had no secrets on this point. In a famous diplomatic audience at Fontainebleau October 14, Armstrong witnessed a melodramatic scene, in which the Emperor proclaimed to the world that his will was to be law.¹ "The House of Braganza shall reign no more," said he to the Portuguese minister; then turning to the representative of the Queen of Etruria, — the same Spanish princess on whose head he had five years before placed the shadowy crown of Tuscany, —

"Your mistress," he said, "has her secret attachments to Great Britain, — as you, Messieurs Deputies of the Hanse Towns are also said to have; but I will put an

¹ Armstrong to Madison, Oct. 15, 1807; MSS. State Department Archives.

end to this. Great Britain shall be destroyed. I have the means of doing it, and they shall be employed. I have three hundred thousand men devoted to this object, and an ally who has three hundred thousand to support them. I will permit no nation to receive a minister from Great Britain until she shall have renounced her maritime usages and tyranny; and I desire you, gentlemen, to convey this determination to your respective sovereigns."

Armstrong obeyed the order; and in doing so he might easily have pointed out the machinery by which Napoleon expected to insure the co-operation of America in securing the destruction of England. He could combine the Berlin Decree with the baffled negotiations for Florida, and could understand why the Emperor at one moment dangled the tempting bait before Jefferson's eyes, and the next snatched it away. This diplomatic game was one which Napoleon played with every victim he wished to ensnare, and the victim never showed enough force of character to resist temptation. German, Italian, Russian, Spaniard, American, had all been lured by this decoy; one after another had been caught and devoured, but the next victim never saw the trap, or profited by the cries of the last unfortunate. Armstrong knew that whenever Napoleon felt the United States slipping through his fingers, Florida would again be offered to keep Jefferson quiet; yet even Armstrong, man of the world as he was, tried to persuade himself that Napoleon did not know his

own mind. One of his despatches at this crisis related a curious story, which he evidently believed to be true, and to prove the vacillating temper of Napoleon's Florida negotiation.

November 15 Armstrong wrote that the Emperor had left Fontainebleau for Italy; that great changes were predicted, among which it was rumored "that Portugal, taken from the Braganzas, may be lent to the children of the Toscan House, and that the Bourbons of Spain are at last to make way for Lucien Bonaparte, who, in atonement or from policy, is to marry the Queen Regent of Etruria." That the American minister should at that early day have been so well informed about projects as yet carefully concealed, was creditable to his diplomacy. Not till nearly a month later did Lucien himself, in his Italian banishment, receive notice of the splendid bribe intended for him.

In the same despatch of November 15 Armstrong discussed the Emperor's plans in their bearing on Florida. "We are, it seems, to be invited to make common cause against England, and to take the guaranty of the Continent for a maritime peace which shall establish the principle of 'free ships, free goods.'" Armstrong argued that it was wiser to act alone, even in case of war with England; in regard to Florida, France had done all that was to be expected from her, and had latterly become sparing even of promises. Finally, he told the anecdote already alluded to:—

“The fact appears to be, which I communicate with the most intimate conviction of its truth, that some sycophant, entering into the weakness of the Emperor, and perceiving that he was only happy in giving a little more circumference to the bubble, seized the moment of Izquierdo’s nomination, and pointing to the United States, said: ‘These are destined to form the last labor of the modern Hercules. The triumph over England cannot be complete so long as the commerce and republicanism of this country be permitted to exist. Will it then be wise to insulate it, — to divest yourselves or your allies of those points which would place you at once in the midst of it? With what view was it that after selling Louisiana, attempts were made by France to buy the Floridas from Spain? Was it not in the anticipation of events which may make necessary to you a place in the neighborhood of these States, — a point on which to rest your political lever? Remember that Archimedes could not move the world without previously finding a resting-place for his screw. Instead, therefore, of parting with the Floridas, I would suggest whether we should not make the repossession of Canada a condition of a peace with England.’ The conception itself, and the manner in which it was presented, struck the Emperor forcibly. He mused a moment upon it, and then in the most peremptory manner ordered that the negotiation should not go on.”

Armstrong regarded this anecdote as important. Perhaps he had it, directly or indirectly, from Talleyrand, who used more freedom of speech than was permitted to any other man in France; but the task of penetrating the depths of Napoleon’s mind was

one which even Talleyrand attempted in vain. From the first, Florida had been used by Napoleon as a means of controlling President Jefferson. "To enlarge the circumference of his bubble" was a phrase keen and terse enough to have come from Talleyrand himself; but this was not the purpose for which Florida had hitherto been used in Napoleon's diplomacy, and in ordering that the negotiation should be stopped, the Emperor might well have other motives, which he preferred keeping to himself.

An observer far less intelligent than Armstrong might have seen that in face of the great changes which his despatch announced for Italy, Portugal, and Spain, the time when Napoleon would need support from the United States had not yet come. The critical moment was still in the future. Perhaps America might be forced into war by the "Chesapeake" outrage; at all events, she was further than ever from alliance with England, and the Emperor could safely wait for her adhesion to the continental system until his plans for consolidating his empire were more mature. For the present, Don Carlos IV. and the Prince of Peace were the chief objects of French diplomacy.

The story of Toussaint and St. Domingo was about to be repeated in Spain. Even while Armstrong wrote these despatches, the throne of Don Carlos IV. crumbled, almost without need of a touch from without. France had drawn from Spain everything she once possessed,—her navy, sacrificed at Trafalgar to Na-

pooleon's orders ; her army, nearly half of which was in Denmark ; her treasures, which, so far as they had not been paid in subsidies to Napoleon, were shut up in Mexico. Nothing but the shell was left of all that had made Spain great. This long depletion had not been effected without extreme anxiety on the part of the Spanish government. At any time after the Prince of Peace returned to power in 1801, he would gladly have broken with France, as he proved in 1806 ; but he stood in much the same position as Jefferson, between the selfishness of England and the immediate interests of Spain. King Charles, anxious beyond measure for his own repose and for the safety of his daughter the Queen of Etruria, shrank from every strong measure of resistance to Napoleon's will, yet was so helpless that only a traitor or a coward could have deserted him ; and Godoy, with all his faults, was not so base as to secure his own interests by leaving the King to Napoleon's mercy. For a single moment the King yielded to Godoy's entreaties. When the fourth European coalition was formed against Napoleon, and Prussia declared war, the Prince of Peace was allowed to issue, Oct. 6, 1806, a proclamation calling the Spanish people to arms. October 14 the battle of Jena was fought, and the news reaching Madrid threw the King and court into consternation ; Godoy's influence was broken by the shock ; the proclamation was recalled, and the old King bowed his head to his fate. Had he held firm, and thrown in his fortunes with

those of England, Russia, and Prussia, the battle of Eylau might have stopped Napoleon's career; and in any case the fate of Spain could not have been more terrible than it was.

The Prince of Peace begged in vain that King Charles would dismiss him and form a new ministry; the King could not endure a change. Napoleon laughed at the proclamation, but he knew Godoy to be his only serious enemy at Madrid. He took infinite pains, and exhausted the extraordinary resources of his cunning, in order to get possession of Spain without a blow. To do this, he forced Portugal into what he called a war. Without noticing Godoy's offence, immediately after the peace of Tilsit, as has been already told, the Emperor ordered the King of Portugal to execute the Berlin Decree. Unable to resist, Portugal consented to shut her ports to English commerce, but objected to confiscating British property. Without a moment's delay, Napoleon, October 12,¹ ordered General Junot, with an army of twenty thousand men, to enter Spain within twenty-four hours, and march direct to Lisbon; simultaneously he notified² the Spanish government that his troops would be at Burgos, November 1; and that this time "it was not intended to do as was done in the last war, — he must march straight to Lisbon."

¹ Napoleon to General Clarke, Oct. 12, 1807; Correspondance, xvi. 80.

² Napoleon to Champagny, Oct. 12, 1807; Correspondance, xvi. 79.

After the peace of Tilsit, no Power in Europe pretended to question Napoleon's will, and for Spain to do so would have been absurd. King Charles had to submit, and he sent an army to co-operate with Junot against Portugal. The Emperor, who might at a single word have driven King Charles as well as the King of Portugal from the throne, did not say the word. Godoy's proclamation had given France cause for war; but Napoleon took no notice of the proclamation. He did not ask for the punishment of Godoy; he not only left the old King in peace, but took extraordinary care to soothe his fears. On the same day when he ordered Junot to march, he wrote personally to reassure the King:¹ "I will concert with your Majesty as to what shall be done with Portugal; in any case the suzerainty shall belong to you, as you have seemed to wish." Yet four days later he ordered² another army of thirty thousand men to be collected at Bayonne, to support Junot, who had no enemy to fear. That his true campaign was against Spain, not against Portugal, never admitted of a doubt; his orders to Junot hardly concealed his object:³—

"Cause descriptions to be made for me of all the provinces through which you pass, — the roads, the na-

¹ Napoleon to Charles IV., Oct. 12, 1807; Correspondance, xvi. 83.

² Napoleon to General Clarke, Oct. 16, 1807; Correspondance, xvi. 91.

³ Napoleon to Junot, Oct. 17, 1807; Correspondance, xvi. 98.

ture of the ground ; send me sketches. Charge engineer officers with this work, which it is important to have ; so that I can see the distance of the villages, the nature of the country, the resources it offers. . . . I learn this moment that Portugal has declared war on England and sent away the English ambassador : this does not satisfy me ; continue your march ; I have reason to believe that it is agreed upon with England in order to give time for the English troops to come from Copenhagen. You must be at Lisbon by December 1, as friend or as enemy. Maintain the utmost harmony with the Prince of Peace."

Junot entered Spain October 17, the same day that these orders were written, while Napoleon at Fontainebleau forced on the Spanish agent Izquierdo a treaty which might keep King Charles and Godoy quiet a little longer. This document, drafted by Napoleon himself, resembled the letter to Toussaint and the proclamation to the negroes of St. Domingo, with which Leclerc had been charged ;¹ its motive was too obvious, and its appeal to selfishness too gross to deceive. It declared² that Portugal should be divided into three parts. The most northerly, with Oporto for a capital and a population of eight hundred thousand souls, should be given to the Queen of Etruria in place of Tuscany, which was to be swallowed up in the kingdom of Italy. The next provision was even more curious. The southern part

¹ See History of First Administration, i. 392.

² Correspondance de Napoleon I. ; Projet de Convention, Oct. 23, 1807, xvi. 111.

of Portugal, with a population of four hundred thousand souls, should be given to the Prince of Peace as an independent sovereignty. The central part, with a population of two millions, and Lisbon for a capital, should be held by France subject to further agreement. By a final touch of dissimulation worthy of Shakespeare's tragic invention, Napoleon, in the last article of this treaty, promised to recognize Don Carlos IV. as Emperor of the two Americas.

The so-called treaty of Fontainebleau was signed Oct. 27, 1807. That it deceived Godoy or King Charles could hardly be imagined, but the internal and external difficulties of Spain had reached a point where nothing but ruin remained. In the whole of Spain hardly twenty thousand troops could be assembled; barely half-a-dozen frigates were fit for sea; the treasury was empty; industry was destroyed. Napoleon himself had no idea how complete was the process by which he had sucked the life-blood of this miserable land. Even in the court at Madrid and among the people signs of an immediate catastrophe were so evident that Napoleon could afford to wait until chaos should call for his control.

Meanwhile Junot marched steadily forward. He was at Burgos on the day fixed by Napoleon; he established permanent French depots at Valladolid and at Salamanca. Leaving Salamanca November 12, he advanced to Ciudad Rodrigo, and after establishing another depot there, he made a rapid dash at Lisbon. The march was difficult, but Junot was

ready to destroy his army rather than fail to carry out his orders; and on the morning of November 30 he led a ragged remnant of fifteen hundred men into the city of Lisbon. He found it without a government. The Prince Regent of Portugal, powerless to resist Napoleon, had gone on board his ships with the whole royal family and court, and was already on his way to found a new empire at Rio Janeiro. Of all the royal houses of Europe, that of Portugal was the first to carry out a desperate resolution.

Napoleon's object was thus gained. Dec. 1, 1807, Junot was in peaceable possession of Lisbon, and French garrisons held every strategical point between Lisbon and Bayonne. In regard to Portugal Junot's orders were precise:¹ —

“So soon as you have the different fortified places in your hands, you will put French commandants in them, and will make yourself sure of these places. I need not tell you that you must not put any fortress in the power of the Spaniards, especially in the region which is to remain in my hands.”

November 3, without the knowledge of Spain, the Emperor gave orders² that the army of reserve at Bayonne, under General Dupont, shall be ready to march by December 1; and November 11 he ordered³

¹ Napoleon to Junot, October 31, 1807; Correspondance, xvi. 128.

² Napoleon to General Clarke, Nov. 3, 1807; Correspondance, xvi. 136.

³ Napoleon to General Clarke, Nov. 11, 1807; Correspondance, xvi. 149.

that the frontier fortresses on the Spanish border should be armed and supplied with provisions :—

“All this is to be done with the utmost possible secrecy, especially the armament of the places on the Spanish frontier on the side of the eastern Pyrenees. Give secret instructions, and let the corps march in such a manner that the first ostensible operations be not seen in that country before November 25.”

At the same time a new army of some twenty thousand men was hurried across France to take the place, at Bayonne, of Dupont's army, which was to enter Spain. November 13, the Emperor ordered Dupont to move his first division across the frontier to Vittoria : and on the same day he despatched M. de Tournon, his chamberlain, with a letter to King Charles at Madrid, and with secret instructions¹ that revealed the reasons for these movements so carefully concealed from Spanish eyes :—

“You will also inform yourself, without seeming to do so, of the situation of the places of Pampeluna and of Fontarabia ; and if you perceive armaments making anywhere, you will inform me by courier. You will be on the watch at Madrid to see well the spirit which animates that city.”

Napoleon's orders were in all respects exactly carried out. Dec. 1, 1807, Junot was in possession of Portugal ; Dupont was at Vittoria ; twenty-five thousand French troops would, by December 20, hold

¹ Napoleon to M. de Tournon, Nov. 13, 1807 ; Correspondance, xvi. 159.

the great route from Vittoria to Burgos, and in two days could occupy Madrid.¹ The Spanish army was partly in Denmark, partly in Portugal. The Prince of Peace heard what was going on, and asked for explanations; but the moment for resistance had long passed. He had no choice but submission or flight, and Don Carlos was too weak to fly.

In Armstrong's despatch of November 15, already quoted, one more paragraph was worth noting. At the moment he wrote, Napoleon had just given his last orders; General Dupont had not yet received them, and neither Don Carlos IV. nor Lucien Bonaparte knew the change of plan that was intended. Only men like Talleyrand and Duroc could see that from the moment of the peace at Tilsit, Napoleon's movements had been rapidly and irresistibly converging upon Madrid,—until, by the middle of November, every order had been given, and the Spanish Peninsula lay, as the Emperor told Lucien, “in the hollow of his hand.” Armstrong, writing a fortnight before the royal family of Portugal had turned their vessels' prows toward Brazil, asked a question which Napoleon himself would hardly have dared to answer:

“What will become of the royal houses of Portugal and Spain? I know not. By the way, I consider this question as of no small interest to the United States. If they were sent to America, or are even permitted to withdraw thither, we may conclude that the colonies which

¹ Napoleon to General Clarke, Dec. 6, 1807; Correspondance, xvi. 183.

excite the imperial longing, and which are in its opinion necessary to France, are not on our side of the Atlantic. If on the other hand they are retained in Europe, it will only be as hostages for the eventual delivery of their colonies: and then, at the distance of three centuries, may be acted over again the tragedy of the Incas, with some few alterations of scenery and names."

All these measures being completed by November 15, the day when Armstrong wrote his despatch, the Emperor left Fontainebleau and went to Italy. He passed through Milan and Verona to Venice; and on his return, stopped a few hours at Mantua,¹ on the night of December 13, to offer Lucien the throne of Spain.

Lucien's story² was that being summoned from Rome to an interview, he found his brother alone, at midnight of December 13, seated in a vast room in the palace at Mantua, before a great round table, almost entirely covered by a very large map of Spain, on which he was marking strategical points with black, red, and yellow pins. After a long interview, in which the Emperor made many concessions to his brother's resistance, Napoleon opened his last and most audacious offer:—

"‘As for you, choose!’ As he pronounced these words," continued Lucien, "his eyes sparkled with a flash of pride which seemed to me Satanic; he struck a great blow with his hand, spread out broadly in the

¹ Napoleon to Joseph, Dec. 17, 1807; Correspondance, xvi. 198.

² Lucien Bonaparte, Th. Jung. iii. 83, 113.

middle of the immense map of Europe which was extended on the table by the side of which we were standing. 'Yes, choose!' he said; 'you see I am not talking in the air. All this is mine, or will soon belong to me; I can dispose of it already. Do you want Naples? I will take it from Joseph, who, by the bye, does not care for it; he prefers Morfontaine. Italy, — the most beautiful jewel in my imperial crown? Eugene is but viceroy, and far from despising it he hopes only that I shall give it to him, or at least leave it to him if he survives me: he is likely to be disappointed in waiting, for I shall live ninety years; I must, for the perfect consolidation of my empire. Besides, Eugene will not suit me in Italy after his mother is repudiated. Spain? Do you not see it falling into the hollow of my hand, thanks to the blunders of your dear Bourbons, and to the follies of your friend the Prince of Peace? Would you not be well pleased to reign there where you have been only ambassador? Once for all, what do you want? Speak! Whatever you wish, or can wish, is yours, if your divorce precedes mine.'"

Lucien refused a kingdom on such terms, and Napoleon continued his journey, reaching Milan December 15. At that time his mind was intent on Spain and the Spanish colonies, with which the questions of English and American trade were closely connected. Spencer Perceval's Orders in Council had appeared in the "London Gazette" of November 14, and had followed the Emperor to Italy. Some weeks afterward war was declared between England and Russia. No neutral remained except Sweden, which was to be crushed by Russia, and the United States of

America, which Napoleon meant to take in hand. December 17, from the royal palace at Milan, in retaliation for the Orders in Council, and without waiting to consult President Jefferson, Napoleon issued a new proclamation, compared with which the Berlin Decree of the year before was a model of legality.

“Considering,” began the preamble,¹ “that by these acts the English government has denationalized the ships of all the nations of Europe; that it is in the power of no government to compound its own independence and its rights, — all the sovereigns in Europe being jointly interested in the sovereignty and independence of their flag; that if by an inexcusable weakness, which would be an ineffaceable stain in the eyes of posterity, we should allow such a tyranny to pass into a principle and to become consecrated by usage, the English would take advantage of it to establish it as a right, as they have profited by the tolerance of governments to establish the infamous principle that the flag does not cover the goods, and to give to their right of blockade an arbitrary extension, contrary to the sovereignty of all States,” —

Considering all these matters, so important to States like Denmark, Portugal, and Spain, whose flags had ceased to exist, and of whose honor and interests this mighty conqueror made himself champion, Napoleon decreed that every ship which should have been searched by an English vessel, or should have paid any duty to the British government, or should come

¹ Correspondance de Napoleon, xvi. 192; American State Papers, iii. 90.

from or be destined for any port in British possession in any part of the world, should be good prize; and that this rule should continue in force until England should have "returned to the principles of international law, which are also those of justice and honor."

CHAPTER VI.

OCT. 29, 1807, Monroe left London ; and November 14, the day when the Orders in Council were first published in the official "Gazette," he sailed from Plymouth for home.

Nearly five years had passed since Monroe received the summons from Jefferson which drew him from his retirement in Virginia to stand forward as the diplomatic champion of the United States in contest with the diplomatists of Europe ; and these five years had been full of unpleasant experience. Since signing the Louisiana treaty, in May, 1803, he had met only with defeat and disaster. Insulted by every successive Foreign Secretary in France, Spain, and England ; driven from Madrid to Paris and from Paris to London ; set impossible tasks, often contrary to his own judgment, — he had ended by yielding to the policy of the British government, and by meeting with disapproval and disavowal from his own. As he looked back on the receding shores of England, he could hardly fail to recall the circumstances of his return from France ten years before. In many respects Monroe's career was unparalleled, but he was singular above all in the experience of being dis-

owned by two Presidents as strongly opposed to each other as Washington and Jefferson, and of being sacrificed by two secretaries as widely different as Timothy Pickering and James Madison.

In America only two men of much note were prepared to uphold his course, and of these the President was not one; yet Jefferson exerted himself to disguise and soften Monroe's discredit. He kept the treaty a secret when its publication would have destroyed Monroe's popularity and strengthened Madison. When at length, after eight months' delay, the British note appended to the treaty was revealed, Monroe's friend Macon, though anxious to make him President, privately admitted that "the extract of the treaty which has been published has injured Monroe more than the return of it by the President."¹ John Randolph alone held up Monroe and his treaty as models of statesmanship; and although Randolph was the only Republican who cared to go this length, Monroe found one other friend and apologist in a person who rivalled Randolph in his usual economy of praise. Timothy Pickering held that Merry and Erskine were no good Englishmen, but he was satisfied with Monroe.

"I sincerely wish an English minister here to be a very able man," he wrote² privately from Washington to a friend in Philadelphia, — "one who will feel and justly

¹ Macon to Nicholson, Dec. 2, 1807; Nicholson MSS.

² Pickering to Thomas Fitzsimons, Dec. 4, 1807; Pickering MSS.

estimate the dignity of his country, and bring down the supercilious looks of our strutting Administration. The feebleness of Merry and Erskine have encouraged them to assume a vain importance and haughtiness as remote from the genuine spirit and as injurious to the solid interests of our country as they are irritating to Great Britain. The ridiculous gasconade of our rulers has indeed disgraced our nation. The sentiment above expressed is excited by the consideration that Great Britain is our only shield against the overwhelming power of Bonaparte; and therefore I view the maintenance of her just rights as essential to the preservation of our own. I have regretted to see our newspapers continue to reproach Monroe. His abilities you know how to estimate, but I never considered him as wanting in probity. An *enragé* relative to the French, and implicitly relying on the advice of Jefferson, his deportment did not permit his remaining the minister of the United States at Paris [in 1797]; but I have certain information that at London no one could conduct with more propriety than he does; and, such is his sense of the proceedings of our rulers, he lately said he did not know how long the British government would bear with our petulance."

This letter, written while Monroe was at sea, betrayed a hope that the notorious quarrel between him and Jefferson would prove to be permanent; but Pickering could never learn to appreciate Jefferson's genius for peace. Doubtless only personal friendship and the fear of strengthening Federalist influence prevented President Jefferson from denouncing Monroe's conduct as forcibly as President Washington had denounced it ten years before; and Jefferson's grounds

of complaint were more serious than Washington's. Monroe expected and even courted martyrdom, and never quite forgot the treatment he received. In private, George Hay, Monroe's son-in-law, who knew all the secrets of his career, spoke afterward of Jefferson as "one of the most insincere men in the world ; . . . his enmity to Mr. Monroe was inveterate, though disguised, and he was at the bottom of all the opposition to Mr. Monroe in Virginia."¹ Peacemakers must submit to the charges which their virtues entail, but Jefferson's silence and conciliation deserved a better return than to be called insincere.

Monroe returned to Virginia, praised by George Canning and Timothy Pickering, to be John Randolph's candidate for the Presidency, while Jefferson could regard him in no other light than as a dupe of England, and Madison was obliged to think him a personal enemy. As a result of five years' honest, patient, and painstaking labor, this division from old friends was sad enough ; but had Monroe been a nervous man, so organized as to feel the arrows of his outrageous fortune, his bitterest annoyance on bidding final farewell to Europe would have been, not the thought of his reception in America, not even the memory of Talleyrand's reproofs, or of the laurels won by Don Pedro Cevallos, or of Lord Harrowby's roughness, or Lord Mulgrave's indifference, or Lord Howick's friendly larcenies, or Canning's smooth impertinences, — as a diplomatist he would rather have

¹ Diary of J. Q. Adams, May 23, 1824, vi. 348.

felt most hurt that the British ministry had contrived a new measure of vital interest to America, and should have allowed him to depart without a word of confidence, explanation, or enlightenment as to the nature of the fresh aggression which was to close a long list of disasters with one which left to America only the title of an independent nation.

As early as October 3 the "Morning Post" announced at great length that his Majesty's government had adopted the principle of retaliation. November 10, while Monroe was still waiting at Portsmouth for a fair wind, the "Times" made known that a proclamation was in readiness for the King's signature, declaring France and all her vassal kingdoms in a state of siege: "The sum of all reasoning on the subject is included in this, that the Continent must and will have colonial productions in spite of the orders and decrees of its master, and we are to take care that she have no other colonial produce than our own." The fact that American commerce with the Continent was to be forbidden became a matter of public notoriety in London before November 13, and on Saturday, November 14, the day when Monroe's ship sailed from Portsmouth, the order appeared in the "Gazette;" yet Monroe himself would be obliged to appear before the President in official ignorance of a measure discussed and adopted under his eyes.

George Henry Rose, whom Canning selected as special envoy to settle the "Chesapeake" affair, and who sailed in the "Statira" frigate two days before

Monroe, knew officially as little as Monroe himself of the coming order; but this ignorance was due to Canning's settled plan of keeping the "Chesapeake" affair independent of every other dispute. Canning could have had no deep motive in withholding official knowledge of the order from Monroe, Pinkney, and Rose; he could not have foreseen when or how the winds would blow; yet, by mere accident, one day's delay added greatly to the coming embarrassments of the American government. The departure of vessels depended on a favorable wind, and for some weeks before November 14 westerly winds prevailed. About that day the weather changed, and all the ships bound to America sailed nearly together. The "Statira" and "Augustus," carrying Rose and Monroe, started from Portsmouth for Norfolk; the "Revenge" set sail from Cherbourg, with despatches from Armstrong; the "Brutus," with London newspapers of November 12, departed from Liverpool for New York; and the "Edward," with London newspapers and letters to November 10, left Liverpool for Boston. All were clear of land by November 14, when the "Gazette" published the Order in Council; but for weeks afterward no other vessels crossed the Atlantic.

After the "Revenge" sailed for Europe in July, on her errand of redress for the "Chesapeake" outrage, the Americans waited more and more patiently for her return. The excitement which blazed in midsummer from one end of the country to the other

began to subside when men learned that Admiral Berkeley's orders had been issued without the authority or knowledge of his government, and would probably be disavowed. The news that came from Europe tended to chill the fever for war. The Peace of Tilsit, the Tory reaction in England, the bombardment of Copenhagen, the execution of the Berlin Decree in Holland, the threatened retaliation by Great Britain were events calculated to raise more than a doubt of the benefits which war could bring. In any case, the risks of commerce had become too great for legitimate trade; and every one felt that the further pursuit of neutral profits could end only in bringing America into the arms of one or the other of the Powers which were avowedly disputing pre-eminence in wrong.

The attack on the "Chesapeake," the trial of Aaron Burr, and the news from Copenhagen, Holland, and London made the summer and autumn of 1807 anxious and restless; but another event, under the eyes of the American people, made up a thousand fold, had they but known it, for all the losses or risks incurred through Burr, Bonaparte, or Canning. That the destinies of America must be decided in America was a maxim of true Democrats, but one which they showed little energy in reducing to practice. A few whose names could be mentioned in one or two lines,—men like Chancellor Livingston, Dr. Mitchill, Joel Barlow,—hailed the 17th of August, 1807, as the beginning of a new era in America,—a date

which separated the colonial from the independent stage of growth; for on that day, at one o'clock in the afternoon, the steamboat "Clermont," with Robert Fulton in command, started on her first voyage. A crowd of bystanders, partly sceptical, partly hostile, stood about and watched the clumsy craft slowly forge its way at the rate of four miles an hour up the river; but Fulton's success left room for little doubt or dispute, except in minds impervious to proof. The problem of steam navigation, so far as it applied to rivers and harbors was settled, and for the first time America could consider herself mistress of her vast resources. Compared with such a step in her progress, the mediæval barbarisms of Napoleon and Spencer Perceval signified little more to her than the doings of Achilles and Agamemnon. Few moments in her history were more dramatic than the weeks of 1807 which saw the shattered "Chesapeake" creep back to her anchorage at Hampton Roads, and the "Clermont" push laboriously up the waters of the Hudson; but the intellectual effort of bringing these two events together, and of settling the political and economical problems of America at once, passed the genius of the people. Government took no notice of Fulton's achievement, and the public for some years continued, as a rule, to travel in sailing packets and on flat-boats. The reign of politics showed no sign of ending. Fulton's steamer went its way, waiting until men's time should become so valuable as to be worth saving.

The unfailing mark of a primitive society was to regard war as the most natural pursuit of man; and history with reason began as a record of war, because, in fact, all other human occupations were secondary to this. The chief sign that Americans had other qualities than the races from which they sprang, was shown by their dislike for war as a profession, and their obstinate attempts to invent other methods for obtaining their ends; but in the actual state of mankind, safety and civilization could still be secured only through the power of self-defence. Desperate physical courage was the common quality on which all great races had founded their greatness; and the people of the United States, in discarding military qualities, without devoting themselves to science, were trying an experiment which could succeed only in a world of their own.

In charging America with having lost her national character, Napoleon said no more than the truth. As a force in the affairs of Europe, the United States had become an appendage to England. The Americans consumed little but English manufactures, allowed British ships to blockade New York and Chesapeake Bay, permitted the British government to keep by force in its naval service numbers of persons who were claimed as American subjects, and to take from American merchant-vessels, at its free will, any man who seemed likely to be useful; they suffered their commerce with France and Spain to be plundered by Great Britain without resistance, or to

be regulated in defiance of American rights. Nothing could exceed England's disregard of American dignity. When the "Bellona" and her consorts were ordered to depart from Chesapeake Bay, her captain not only disregarded the order, but threatened to take by force whatever he wanted on shore, and laughed at the idea of compulsion. On land still less respect was shown to American jurisdiction. When after the "Chesapeake" outrage the people talked of war, the first act of Sir James Craig, governor-general of Canada, was to send messages¹ to the Indian tribes in the Indiana Territory, calling for their assistance in case of hostilities; and the effect of this appeal was instantly felt at Vincennes and Greenville, where it gave to the intrigues of the Shawanese prophet an impulse that alarmed every settler on the frontier. Every subordinate officer of the British government thought himself at liberty to trample on American rights; and while the English navy controlled the coast, and the English army from Canada gave orders to the northwestern Indians, the British minister at Washington encouraged and concealed the conspiracy of Burr.

The evil had reached a point where some corrective must be found; but four years of submission had broken the national spirit. In 1805 the people were almost ready for war with England on the question of

¹ Sir James Craig to Lieutenant-Governor Gore, Dec. 6, 1807; Colonial Correspondence, Canada, 1807, 1808, vol. i., MSS. British Archives.

the indirect, or carrying, trade of the French and Spanish West Indies. After submitting on that point, in July, 1807, they were again ready to fight for the immunity of their frigates from impressment; but by the close of the year their courage had once more fallen, and they hoped to escape the necessity of fighting under any circumstances whatever, anxiously looking for some expedient, or compromise, which would reconcile a policy of resistance with a policy of peace. This expedient Jefferson and Madison had for fifteen years been ready to offer them.

So confident was Jefferson in his theory of peaceable coercion that he would hardly have thought his administrative career complete, had he quitted office without being allowed to prove the value of his plan. The fascination which it exercised over his mind was quite as much due to temperament as to logic; for if reason told him that Europe could be starved into concession, temperament added another motive still more alluring. If Europe persisted in her conduct America would still be safe, and all the happier for cutting off connection with countries where violence and profligacy ruled supreme. The idea of ceasing intercourse with obnoxious nations reflected his own personality in the mirror of statesmanship. In the course of the following year he wrote to a young grandson, Thomas Jefferson Randolph, a letter¹ of parental advice in regard to the conduct of life.

¹ Jefferson to T. J. Randolph, Nov. 24, 1808; Works, v. 388.

“Be a listener only,” he said; “keep within yourself, and endeavor to establish with yourself the habit of silence, especially on politics. In the fevered state of our country no good can ever result from any attempt to set one of these fiery zealots to rights, either in fact or principle. They are determined as to the facts they will believe, and the opinions on which they will act. Get by them, therefore, as you would by an angry bull; it is not for a man of sense to dispute the road with such an animal.”

The advice was good, and did honor to the gentleness of Jefferson's nature; but a course of conduct excellent in social life could not be made to suit the arena of politics. As President of the United States, Jefferson was bent upon carrying out the plan of keeping within himself; but the bull of which he spoke as unfit for a man of sense to dispute with, and which he saw filling the whole path before him, was not only angry, but mad with pain and blind with rage; his throat and flanks were torn and raw where the Corsican wolf had set his teeth; a pack of mastiffs and curs were baiting him and yelling at his heels, and his blood-shot eyes no longer knew friend from foe, as he rushed with a roar of stupid rage directly upon the President. To get by him was impossible. To fly was the only resource, if the President would not stand his ground and stop the animal by skill or force.

Few rulers ever succeeded in running from danger with dignity. Even the absolute Emperor of Russia

had not wholly preserved the respect of his subjects after the sudden somersault performed at Tilsit; and the Prince Regent of Portugal had been forced to desert his people when he banished himself to Brazil. President Jefferson had not their excuse for flight; but resistance by force was already impossible. For more than six years he had conducted government on the theory of peaceable coercion, and his own friends required that the experiment should be tried. He was more than willing, he was anxious, to gratify them; and he believed himself to have solved the difficult problem of stopping his enemy, while running away from him without loss of dignity and without the appearance of flight.

General Turreau, after hoping for a time that the government would accept the necessity of war with England, became more and more bitter as he watched the decline of the war spirit; and September 4, barely two months after the assault on the "Chesapeake," and long before the disavowal of Berkeley was known, he wrote to Talleyrand a diatribe against the Americans: ¹ —

"If the sentiments of fear and of servile deference for England with which the inhabitants of the American Union are penetrated, were not as well known as their indifference for everything which bears the name of French, what has passed since the attack on the frigate 'Chesapeake' would prove to the most vulgar observer

¹ Turreau to Talleyrand, Sept. 4, 1807; Archives des Aff. Étr. MSS.

not only that the Anglo-Americans have remained in reality dependent on Great Britain, but even that this state of subjection conforms with their affections as well as with their habits. He will also be convinced that France has, and will ever have, nothing to hope from the dispositions of a people that conceives no idea of glory, of grandeur, of justice; that shows itself the constant enemy of liberal principles; and that is disposed to suffer every kind of humiliation, provided it can satisfy both its sordid avarice and its projects of usurpation over the Floridas."

Scandalized at the rapid evaporation of American courage, Turreau could explain it only as due to the natural defects of "a motley people, that will never have true patriotism, because it has no object of common interest;" a nation which looked on the most shameless outrages of its own virtue as only "unfortunate events." Yet one point remained which, although to every American it seemed most natural, was incomprehensible to the Frenchman, whose anger with America was due not so much to the dependence of the United States on England, as to their independence of France.

"What will doubtless astonish those who know the Americans but imperfectly, and what has surprised me myself, — me, who have a very bad opinion of this people, and who believe it just, — is the aversion (*éloignement*) — and I soften the word — which it has preserved for the French at the very moment when everything should recall a glorious and useful memory. It is hardly to be believed, yet is the exact truth, that in perhaps

five hundred banquets produced by the anniversary of July 4, and among ten thousand toasts, but one has been offered in favor of France; and even this was given at an obscure meeting, and was evidently dictated by Duane."

Even the Administration press, Turreau complained, had thought proper to repudiate the idea of a French alliance. From his complaints the truth could be easily understood. In spite of reason, and in defiance of every ordinary rule of politics, France possessed in America no friend, or influence. The conclusion to be drawn was inevitable. If the United States would not accept the only alliance which could answer their purpose, England had nothing to fear. "In this state of affairs and condition of minds, it appears to me difficult to believe that Congress will take measures vigorous enough to revenge the insult offered to the Union, and to prevent the renewal of outrages."

This conclusion was reached by Turreau September 4, while as early as September 1 the same opinion was expressed by Erskine, the British minister: ¹

"From all the consideration which I have been able to give to the present state of things in this country, I am confirmed most strongly in the opinion which I have ventured to express in my former despatches, that, although I fear it might be possible for this government to lead the people into a war with Great Britain on the point of searching her national armed ships, yet I do not believe

¹ Erskine to Canning, Sept. 1, 1807; MSS. British Archives.

that there are any other grounds which would be powerful enough to urge them to so dangerous a measure to the political existence perhaps, but certainly to the general prosperity of this country."

No two men in America were better informed or more directly interested than Turreau and Erskine, and they agreed in regarding America as passive in the hands of England.

During the month of September the news from Europe tended to show that while England would not sustain the attack on the "Chesapeake," she meant to cut off, for her own benefit, another share of American commerce. The report on the West Indian trade and the debates in Parliament foreshadowed the enforcement of the so-called Rule of 1756 or some harsher measure. That Congress must in some way resent this interference with neutral rights was evident, unless America were to become again a British province. Erskine knew the strength of British influence too well to fear war; but he warned his Government that no nation could be expected to endure without protest of some kind the indignities which the United States daily experienced:¹—

"I am persuaded that more ill-will has been excited in this country toward Great Britain by a few trifling illegal captures immediately off this coast, and some instances of insulting behavior by some of his Majesty's naval commanders in the very harbors and waters of the United

¹ Erskine to Canning, Oct. 5, 1807; MSS. British Archives.

States, than by the most rigid enforcement of the maritime rights of Great Britain in other parts of the world. It may easily be conceived to be highly grating to the feelings of an independent nation to perceive that their whole coast is watched as closely as if it was blockaded, and every ship coming in or going out of their harbors examined rigorously in sight of the shore, by British squadrons stationed within their waters."

Erskine added that the causes of difference were so various as to make any good understanding improbable, and any commercial treaty impossible; that the Federalists thought even worse of Monroe's treaty than the Government did, which rejected it; and that a great sensation had been produced by the late Report on the West Indian trade:—

"This point, and his Majesty's Order in Council to prohibit all neutral trade from port to port of his Majesty's enemies,—which, as you would perceive by Mr. Madison's letters on the subject, which have been transmitted to you, has given great offence to this Government,—together with the other points of difference between the two countries, particularly that of the impressment of British seamen out of American ships, will be taken up by Congress upon their meeting at the close of the present month; and I am fully convinced that unless some amicable adjustment of these points of dispute should previously take place, or be in a train to be concluded, a system of commercial restrictions on the trade of Great Britain with this country will be immediately formed, and every step short of actual war taken to show their dissatisfaction."

Thus, on the eve of the session, the most careful critics agreed that Congress would avoid war, and would resist England, if at all, by commercial measures. The President and Madison, Turreau and Erskine, were united in expecting the same course of events. No one knew that Napoleon had enforced against American commerce the provisions of his Berlin Decree. France counted for nothing in the councils of America; but the conduct of England obliged Congress to offer some protest against aggression,—and the easiest form of protest was a refusal to buy what she had to sell. The moment for testing Jefferson's statesmanship had come; and at no time since he became President had his theories of peaceable coercion enjoyed so fair a prospect of success. Abroad, Napoleon had shut the whole Continent of Europe to English trade, which was henceforward limited to countries beyond the seas. If ever England could be coerced by peaceable means, this was the time; while at home, the prospect was equally favorable, for never in American history had the authority of the government been so absolute.

Jefferson's hope of annihilating domestic opposition was nearly gratified. In the three southernmost States he had never met with serious attack; beyond the Alleghanies, in Tennessee, Kentucky, and Ohio, his word was law; in Virginia, John Randolph grew weaker day by day, and even with Monroe's aid could not shake the President's popularity; Pennsyl-

vania was torn by factions, but none of them troubled Jefferson; New York, purged of Burr, was divided between Clintons and Livingstons, who were united in matters of national policy. The greatest triumph of all was won in Massachusetts, where the election of April, 1807, after calling out 81,500 voters, resulted in the choice of the Democrat Sullivan over the head of Governor Strong by about 42,000 votes against 39,000, and in the return of a Democratic majority in the State legislature. Connecticut alone of the New England States held to her old conservative principles; but Connecticut was powerless without Massachusetts.

Still more decidedly the decline of organized opposition was shown in the character of the Tenth Congress, which was to meet October 26. Of the old Federalist senators, Plumer of New Hampshire had been succeeded by a Democrat; J. Q. Adams of Massachusetts had publicly pledged himself to support any measures of resistance to England; Tracy of Connecticut — a very able opponent — was dead. Only five senators could be rallied to partisan opposition on matters of foreign policy, — Timothy Pickering of Massachusetts; James Hillhouse and Chauncey Goodrich of Connecticut; James A. Bayard and Samuel White of Delaware. Pickering, who considered Plumer and Adams as deserters to the Administration, felt little confidence in Bayard; and the event proved him right. There were limits to Bayard's partisanship; but even had he been

willing to abet Pickering, four or five senators could hope to effect little against a compact majority of twenty-nine.

In the House the whole strength of opposition could not control thirty votes, while Jefferson was supported by one hundred and ten members or more. The President was the stronger for Randolph's departure into decided opposition, where he could no longer divide and mislead the majority, but must act as a Federalist or alone. Of the twenty-four Federalist members, Josiah Quincy was probably the ablest speaker; but in the energy of his Federalism he was rivalled by two men,—Barent Gardenier of New York, and Philip Barton Key of Maryland,—who were likely to injure their cause more than they helped it.

In the country and in Congress, not only was Jefferson supreme, but his enemies were prostrate. Federalism in New England, for the first time, lay helpless under his feet; Burr and the "little band" in New York were crushed; the creoles in New Orleans, and the Western revolutionists, with Wilkinson at their head, were cowering before the outburst of patriotism which struck their projects dead. The hand of government rested heavily on them, and threatened nobler prey. Even Chief-Justice Marshall felt himself marked for punishment; while Monroe and Randolph were already under ban of the republic. These were triumphs which outweighed foreign disasters, and warranted Jefferson in self-confidence; but

they were chiefly due to the undisputed success of his financial management. Jefferson and Madison, Dearborn and Robert Smith, might do what they would, so long as they left Gallatin free to control the results of their experiments; for Gallatin redeemed the mistakes of his party. Madison's foreign policy had brought only trouble to the government; Dearborn's army had shown itself to be more dangerous to the Union than to its enemies; Smith's gunboats were a laughing-stock; but Gallatin never failed to cover every weak spot in the Administration, and in October, 1807, the Treasury was profuse of prosperity. Congress might abolish the salt tax and Mediterranean Fund alike, and still the customs would yield fourteen millions a year; while the sales of public lands exceeded 284,000 acres and brought another half million into the Treasury. December 31, after providing for all payments of public debt, Gallatin had a balance of seven millions six hundred thousand dollars on hand. During the Presidency of Jefferson, twenty-five and a half millions had been paid to redeem the principal of the public debt, and only the restraints imposed by the law prevented more rapid redemption. Even in case of war, Gallatin offered to sustain it for a year without borrowing money or increasing taxes.

There was the secret of Jefferson's strength, of his vast popularity, and of the fate which, without direct act of his, never had failed to overwhelm his enemies. The American people pardoned everything except

an empty Treasury. No foreign insults troubled them long, and no domestic incompetence roused their disgust; but they were sensitive to any taxation which they directly felt. Gallatin atoned for starving the government by making it rich; and if obliged to endure disgrace and robbery abroad, he gave the President popularity at home. Conscious of this reserved strength, the President cared the less for foreign aggressions. His was, according to theory, the strongest government on earth; and at worst he had but to withdraw from intercourse with foreign nations in order to become impregnable to assault. He had no misgivings as to the result. When he returned, about October 8, from Monticello to Washington, his only thought was to assert the strength he felt. Nothing had then been received from England in regard to the "Chesapeake" negotiation, except Canning's letter of August 3, promising to "make reparation for any alleged injury to the sovereignty of the United States, whenever it should be clearly shown that such injury has been actually sustained, and that such reparation is really due." The President justly thought that this letter, though it disavowed the pretension to search ships of war, held out no sufficient hope of reparation for the "Chesapeake" outrage; and in writing the first draft of his Message, he expressed strongly his irritation at the conduct of England. The draft was sent, as usual, to the members of his Cabinet, and called out a remonstrance from Gallatin:—

“Instead of being written in the style of the proclamation, which has been almost universally approved at home and abroad, the Message appears to me to be rather in the shape of a manifesto, issued against Great Britain on the eve of a war, than such as the existing undecided state of affairs seems to require. It may either be construed into a belief that justice will be denied, — a result not to be anticipated in an official communication, — or it may be distorted into an eagerness of seeing matters brought to issue by an appeal to arms.”¹

In truth, the draft rather showed that Jefferson was ready to see matters brought to an issue, provided that the issue should not be an appeal to arms.

A few days later, after Congress met, Gallatin wrote to his wife: —

“The President’s speech was originally more warlike than was necessary; but I succeeded in getting it neutralized — this between us; but it was lucky, for Congress is certainly peaceably disposed.”²

The situation lay in these few words. Not only Congress but also the Government and people were peaceably disposed; and between the attitude of Congress and that of the President was but the difference that the former knew not what to do, while the latter had a fixed policy to impose. “I observe among the members,” wrote a non-partisan senator, “great embarrassment, alarm, anxiety, and

¹ Gallatin to Jefferson, Oct. 21, 1807; Gallatin’s Writings, i. 853.

² Adams’s Gallatin, p. 363.

confusion of mind, but no preparation for any measure of vigor, and an obvious strong disposition to yield all that Great Britain may require, to preserve peace under a thin external show of dignity and bravery.”¹ In such a state of minds, and with such a reserve of popular authority, President Jefferson’s power found no restraint.

¹ Diary of J. Q. Adams, Nov. 17, 1807 ; i. 476.

CHAPTER VII.

SUCH was the situation October 26, when Congress assembled in obedience to the President's call. An unusually large number of members attended on the opening day, when for the first time the House was installed in a chamber of its own. After seven years of residence at Washington, the government had so far completed the south wing of the Capitol as to open it for use. A covered way of rough boards still connected the Senate Chamber in the north wing with the Chamber of Representatives in the southern extension of the building, and no one could foresee the time when the central structure, with its intended dome, would be finished; but the new chamber gave proof that the task was not hopeless. With extraordinary agreement every one admitted that Jefferson's and Latrobe's combined genius had resulted in the construction of a room equal to any in the world for beauty and size. The oval hall, with its girdle of fluted sandstone columns draped with crimson curtains, its painted ceiling, with alternate squares of glass, produced an effect of magnificence which was long remembered. Unfortunately, this splendor had drawbacks. Many and

bitter were Randolph's complaints of the echoes and acoustic defects which marred the usefulness of the chamber.

That Randolph should feel no love for it was natural. The first scene it witnessed was that of his overthrow. Macon, who for six years had filled the chair, retired without a contest, dragged down by Randolph's weight ; and of the one hundred and seventeen members present, fifty-nine, a bare majority, elected Joseph Bradley Varnum of Massachusetts their Speaker ; while the minority of fifty-eight scattered their votes among half-a-dozen candidates. Varnum, ignoring Randolph, appointed George Washington Campbell of Tennessee chairman of the Ways and Means Committee. Troublesome as the Virginia leader had been, he was still the only member competent to control the House, and his fall was greatly regretted by at least one member of the Cabinet. "Varnum has, much against my wishes, removed Randolph from the Ways and Means, and appointed Campbell of Tennessee," wrote Gallatin.¹ "It was improper as related to the public business, and will give me additional labor."

October 27 the President's Message was read.

"The love of peace," it began, "so much cherished in the bosoms of our citizens, which has so long guided the proceedings of their public councils and induced forbearance under so many wrongs, may not insure our continuance in the quiet pursuits of industry."

¹ Adams's Gallatin, p. 363.

An account of Monroe's negotiation and treaty followed this threatening preamble; and the warmest friends of Monroe and Pinkney could hardly find fault with the President's gentle comments on their conduct.

“After long and fruitless endeavors to effect the purposes of their mission, and to obtain arrangements within the limits of their instructions, they concluded to sign such as could be obtained, and to send them for consideration; candidly declaring to their other negotiators, at the same time, that they were acting against their instructions, and that their Government, therefore, could not be pledged for ratification.”

The provisions of the proposed treaty proved to be, in certain points, “too highly disadvantageous,” and the minister had been instructed to renew negotiation. The attack on the “Chesapeake” followed, aggravated by the defiant conduct of the British commanders at Norfolk. Lord Howick's Order in Council had swept away by seizures and condemnations the American trade in the Mediterranean. Spain, too, had issued a decree in conformity with Napoleon's decree of Berlin. Of France alone no complaint was made, and the President could even say that commerce and friendly intercourse had been maintained with her on their usual footing. He had not yet heard of the seizures made two months before, by Napoleon's order, in the ports of Holland.

In the face of these alarming events, it had been thought better to concentrate all defensive resources

on New York, Charleston, and New Orleans; to purchase such military stores as were wanted in excess of the supply on hand; to call all the gunboats into service, and to warn the States to be ready with their quotas of militia. "Whether a regular army is to be raised, and to what extent, must depend on the information so shortly expected."

If this language had the meaning which in other times and countries would have been taken for granted, it implied a resort to measures of force against foreign aggressions; yet neither the President nor his party intended the use of force, except for self-defence in case of actual invasion. The Message was, in reality, silent in regard to peace and war. The time had not yet come for avowing a policy; but even had the crisis been actually at hand, Jefferson would not have assumed the responsibility of pointing out a policy to Congress. The influence he exerted could rarely be seen in his official and public language; it took shape in private, in the incessant talk that went on, without witnesses, at the White House.

More pointed than the allusion to England was the menace to Chief-Justice Marshall. The threat against the court, which the President made in the summer, reappeared in the Message as a distinct invitation to Congress.

"I shall think it my duty to lay before you the proceedings and the evidence publicly exhibited on the arraignment of the principal offenders before the Circuit

Court of Virginia. You will be enabled to judge whether the defect was in the testimony or in the law, or in the administration of the law; and wherever it shall be found, the Legislature alone can apply or originate the remedy. The framers of our Constitution certainly supposed they had guarded as well their government against destruction by treason, as their citizens against oppression under pretence of it; and if these ends are not attained, it is important to inquire by what means more effectual they may be secured."

This strong hint was quickly followed up. Burr's trial at Richmond had hardly closed when the President sent this Message to Congress; and within another month, November 23, another Message was sent, conveying a copy of the evidence and judicial opinions given at the trial, on which Congressional action might be taken.

So far as concerned foreign relations, no one could say with certainty whether the Annual Message leaned toward war or toward peace; but Gallatin's Report, which followed November 5, could be understood only as an argument to show that if war was to be made at all, it should be made at once. The Treasury had a balance of seven or eight millions in specie; the national credit was intact; taxes were not yet reduced; the Bank was still in active existence; various incidental resources were within reach; the first year of war would require neither increase of debt nor of taxation, and for subsequent years loans, founded on increased customs duties, would suffice. Calmly and easily Gallatin yielded to

the impulse of the time, and dropping the objects for which — as he said — he had been brought into office, took up again the heavy load of taxation and debt which his life had been devoted to lightening. No one could have supposed, from his language in 1807, that within only ten years he and his party had regarded debt as fatal to freedom and virtue.

“An addition to the debt is doubtless an evil,” he informed Congress; “but experience having now shown with what rapid progress the revenue of the Union increases in time of peace, with what facility the debt formerly contracted has in a few years been reduced, a hope may confidently be entertained that all the evils of the war will be temporary and easily repaired, and that the return of peace will, without any effort, afford ample resources for reimbursing whatever may have been borrowed during the war.”

If Gallatin was so willing to abandon his dogma, the Federalists might at least be forgiven for asking why he had taken it up. For what practical object had he left the country helpless and defenceless for six years in order to pay off in dribblets the capital of a petty debt which, within much less than a century, could be paid in full from the surplus of a single year? The success of his policy depended on the correctness of Jefferson's doctrine, that foreign nations could be coerced by peaceable means into respect for neutral rights; but Gallatin seemed to have already abandoned the theory of peaceable coercion before it had been tried.

The same conflict of ideas was felt in Congress, which had nothing to do but to wait for news from Europe that did not arrive. The month of November was passed in purposeless debate. That the time had come when some policy must be adopted for defending the coasts and frontiers was conceded, but no policy could be contrived which satisfied at once the economical and the military wants of the country. In this chaos of opinions, Jefferson alone held fixed theories; and as usual his opinions prevailed. He preferred gunboats to other forms of armament, and he had his way.

The Cabinet had not adopted the gunboat policy without protest. When in the preceding month of February the President sent to Congress his Message recommending that two hundred gunboats should be built, at a cost, as Gallatin thought, of a million dollars, the secretary remonstrated. In his opinion not one third that number were needed in peace, while in case of war any required number could be built within thirty days. "Exclusively of the first expense of building and the interest of the capital thus laid out, I apprehend that, notwithstanding the care which may be taken, they will infallibly decay in a given number of years, and will be a perpetual bill of costs for repairs and maintenance."¹ The President overruled these objections, affirming that the necessary gunboats could not be built even in six months; that after the beginning of a war they

¹ Gallatin's Writings, i. 330.

could not be built in the seaports, "because they would be destroyed by the enemy on the stocks;" and the first act of the enemy "would be to sweep all our seaports of their vessels at least;" finally, the expense of building and preserving them would be trifling.¹ Gallatin did not persist in the argument. Jefferson was determined to have gunboats, and gunboats were built.

The "Chesapeake" disaster riveted the gunboat policy on the government. Nearly every one, except the Federalists, agreed in Randolph's unwillingness to vote money for the support of a "degraded and disgraced navy."² Robert Smith made no apparent attempt to counteract this prejudice; he sacrificed the frigates for gunboats. October 22, 1807, at a full Cabinet meeting, according to Jefferson's memoranda, the following order was taken in regard to the frigates, in view of war with England:³—

"The 'Constitution' is to remain at Boston, having her men discharged; the 'Wasp' is to come to New York; the 'Chesapeake' to remain at Norfolk; and the sending the 'United States' frigate to New York is reserved for further consideration, inquiring in the mean time how early she could be ready to go. It is considered that in case of war these frigates would serve as receptacles for enlisting seamen, to fill the gunboats occasionally."

¹ Jefferson to Gallatin, Feb. 9, 1807; Works, v. 42.

² Annals of Congress, 1807-1808, p. 823.

³ Jefferson's Writings (Ford), i. 330.

A government which could imagine no other use for its frigates than as receiving ships for gunboats in time of war naturally cared to build none. When Congress took up the subject of naval defence, gunboats alone were suggested by the department. November 8 Robert Smith wrote to Dr. Mitchill, chairman of the Senate Committee on defences, a letter asking for eight hundred and fifty thousand dollars to build one hundred and eighty-eight more gunboats in order to raise the whole number to two hundred and fifty-seven.¹ A bill was at once introduced, passed the Senate without a division, and went to the House, where the Federalists sharply assailed it. Randolph ridiculed the idea of expelling by such means even so small a squadron as that which at Lynnhaven Bay had all summer defied the power of the United States. Josiah Quincy declared that except for rivers and shallow waters these gunboats were a danger rather than a defence; and that at all times and places they were uncomfortable, unpopular in the service, and dangerous to handle and to fight. Imprisonment for weeks, months, or years in a ship of the line was no small hardship, but service in a coop not wide enough to lie straight in, with the certainty of oversetting or running ashore or being sunk, in case of bad weather or hostile attack, was a duty intolerable to good seamen and fatal to the navy.

¹ Robert Smith to S. L. Mitchill, Nov. 8, 1807; *Annals of Congress*, 1807-1808, p. 32.

All this and much more was true. Fulton's steamer, the "Clermont," with a single gun would have been more effective for harbor defence than all the gunboats in the service, and if supplemented by Fulton's torpedoes would have protected New York from any line-of-battle ship; but President Jefferson, lover of science and of paradox as he was, suggested no such experiment. By the enormous majority of 111 to 19, the House, December 11, passed the bill for additional gunboats. A million dollars were voted for fortifications. In all, an appropriation of one million eight hundred and fifty thousand dollars for defences was the work accomplished by Congress between October 26 and December 18, 1807. In face of a probable war with England, such action was equivalent to inaction; and in this sense the public accepted it.

While Congress wrangled about systems of defence almost equally inefficient,—gunboats and frigates, militia and volunteers, muskets, movable batteries, and fixed fortifications,—the country listened with drawn breath for news from England. Time dragged on, but still the "Revenge" did not return. About the end of November, despatches¹ dated October 10 arrived from Monroe, announcing that Canning refused to couple the "Chesapeake" affair with the impressment of merchant seamen; that he was about to send a special envoy to Washington with the exclusive object of settling the "Chesapeake" affair; that

¹ Monroe to Madison, Oct. 10, 1807; State Papers, iii. 191.

Monroe had taken his final audience of King George, and that William Pinkney was henceforward sole minister of the United States in London. Of the treaty not a hope seemed to exist. Monroe's return was ominous of failure.

Erskine, uneasy at hearing these reports, hastened to the White House, and without delay reported Jefferson's conversation to his Government :¹—

“ I found from my interview with the President that he was much disappointed at the result of the discussions which had taken place, and, as he expressed himself, greatly alarmed by some of the passages in your letters that a satisfactory redress of the injuries complained of was not likely to be afforded to the United States. He informed me that the reasons which had induced him to instruct the American ministers to endeavor to obtain some arrangement upon the point of impressment of British seamen out of American ships, at the same time that a reparation for the attack on the ‘ Chesapeake ’ by his Majesty’s ship ‘ Leopard ’ was demanded, were that he conceived that if a satisfactory security against the injuries arising to the United States from such impressments could have been obtained, a redress for the attack upon their national ship would have been much easier settled ; but that if the point of honor was to be taken into consideration by itself, he foresaw greater difficulties in the way of an amicable adjustment of it. . . . The President further observed, however, that although he feared the separating the two subjects would increase the difficulty of the negotiation, and that he considered

¹ Erskine to Canning, Dec. 2, 1807; MSS. British Archives.

the determination of his Majesty's government to postpone the consideration of the point of impressment — which he said was the most serious ground of difference — as an unfavorable symptom of their ultimate intentions upon that subject, yet that he certainly would not refuse upon the ground of form only that the affair of the 'Chesapeake' should be first concluded; but expressed a hope that the minister who should be sent to this country to settle that subject of complaint should also be invested by his Majesty with powers to negotiate upon the point of impressment."

The sanguine temperament which challenged a duel accorded ill with the afterthought which shrank from it. Voluntarily, coolly, with mature reflection, Jefferson had invited Canning's blow; and when Canning struck, Jefferson recoiled. Monroe might well claim that such conditions as were imposed on him should never have been made, or should never have been withdrawn; that at moments of violent irritation no nation could afford to tease another with demands not meant to be enforced.

To increase the President's embarrassment, the Secretary of War Dearborn made a natural mistake. The original instructions to Monroe, decided in Cabinet meeting July 2,¹ did not connect the "Chesapeake" outrage with impressments of merchant seamen. Neither July 4 nor July 5, when full Cabinet meetings were held, did the subject come up.² The final instructions, dated July 6, changed the original

¹ See p. 31.

² Jefferson's Writings (Ford), i. 325.

demand by extending the required redress over all cases of impressment; but meanwhile General Dearborn had left Washington for New York, and was not told of the change.¹ So it happened that when in October the Federalist newspapers began to attack Jefferson, on the authority of the English press, for coupling the subject of general impressment with the attack on the "Chesapeake," Dearborn, who chanced to be in Massachusetts, denied the charge; and on his authority the Republican newspapers asserted that the alleged instructions had not been given. This denial created no little confusion among Republicans, who could not understand why the instructions had been changed, or on what ground the Administration meant to defend them.

In truth, the change had been an afterthought, founded on the idea that as abandonment of impressments was a *sine qua non* in the commercial negotiation, and a point on which the Government meant inflexibly to insist, it should properly be made a *sine qua non* in this or any other agreement.² This decision had been made in July, with knowledge that England would rather fight than yield a point so vital to her supposed interests. In December, on hearing that Canning refused to yield, the President told Erskine that the *sine qua non*, so formally adopted, would be abandoned.

That conduct in appearance so vacillating should

¹ Dearborn to Jefferson, Oct. 18, 1807; Jefferson MSS.

² R. Smith to Jefferson, July 17, 1807; Jefferson MSS.

perplex Jefferson's friends and irritate his enemies was natural; but in reality nothing vacillating was in the President's mind. These negotiations were but outpost skirmishes, and covered his steady retreat to the fortress which he believed to be impregnable. He meant to coerce Canning, but his method of coercion needed neither armies nor negotiators. While telling Erskine that the *sine qua non* should not prevent a settlement of the "Chesapeake" affair, he set in motion the first of the series of measures which were intended to teach England to respect American rights.

December 14, against strong remonstrances from the merchants, the Non-importation Act of April 18, 1806, went into effect. The exact amount of British trade affected by that measure was not known. All articles of leather, silk, hemp, glass, silver, paper, woollen hosiery, ready-made clothing, millinery, malt liquors, pictures, prints, playing-cards, and so forth, if of English manufacture, were henceforward prohibited; and any person who had them in his possession incurred forfeiture and fine. The measure was in its nature coercive. The debates in Congress showed that no other object than that of coercion was in the mind of the American government; the history of the Republican party and the consistent language of Jefferson, Madison, and the Virginian school proclaimed that the policy of prohibition was their substitute for war. England was to be punished, by an annual fine of several million dol-

lars, for interference with American trade to the continent of Europe.

Two days after this law went into effect Madison received from the British government a document which threw the Non-importation Act into the background, and made necessary some measure more energetic. The King's proclamation of October 17, requiring all British naval officers to exercise the right of impressment to its full extent over neutral merchant-vessels, was printed in the "National Intelligencer" of December 17; and if Sir William Scott's decision in the case of the "Essex" required the Non-importation Act as its counterpoise, the Impressment Proclamation could be fairly balanced only by a total cessation of relations.

In rapid succession the ships which had sailed a month before from Europe arrived in American harbors, after unusually quick voyages. Monroe, in the "Augustus," reached Norfolk December 13; the "Edward" arrived at Boston December 12; the "Brutus" got in at New York December 14, preceded December 12 by the "Revenge." All these ships brought news to the same effect. Armstrong's despatches by the "Revenge" announced Napoleon's enforcement of the Berlin Decree. London newspapers of November 12 agreed in predicting some immediate and sweeping attack by the British government upon American commerce; and from Pinkney and Monroe came the official papers which put an end to all hope of a commercial treaty with England.

Private letters bore out the worst public rumors. Among other persons who were best informed as to the intentions of the British government was Senator Pickering of Massachusetts, whose nephew Samuel Williams had been removed by Jefferson from the London consulate, and remained in that city as an American merchant, in connection with his brother Timothy Williams of Boston. December 12 Timothy Williams in Boston wrote to his uncle Senator Pickering at Washington,¹ —

“My brother writes me on the 9th of November ‘that he was informed the Government would in a few days declare Cuba, Martinique, and Guadeloupe in a state of blockade, and restrict still more the trade of neutrals with the Continent.’ The British no doubt had or would issue an Order above referred to, to counteract our friend Bonaparte’s decree of Nov. 21, 1806. I cannot however think the intercourse with the Continent will be entirely cut off. The influence of the West Indian planters will procure the blockading of the enemy’s islands, no doubt. What has not this country lost by the miserable policy of the Administration! Your prudence will know to whom you can or cannot communicate any of the above paragraphs.”

“With much solicitude respecting the present state of things,” Timothy Williams concluded this letter of warning; and his anxiety was shared by every one who read the newspapers which proclaimed the danger of war. At Washington the alarming news arrived December 17, at the heels of the Impressment

¹ T. Williams to T. Pickering, Dec. 12, 1807; Pickering MSS.

Proclamation. The President instantly called his Cabinet together. Under less serious circumstances in 1794, Congress had imposed an embargo for thirty days, forbidding clearances to all foreign-bound vessels while the question of war or peace was deciding. By common consent an embargo was the proper measure to be taken in the face of an expected attack on commerce. On reading the news from France and England, every one assumed that an embargo would be imposed until the exact nature of the French and British aggressions should be learned; but safe precedent required that the law should restrict its own operation within some reasonable limit of time. An embargo for thirty or sixty days, or even for three months, might be required before reaching some decision as to peace or war.

On a loose sheet of letter-paper, which happened to bear the address of General Mason, the President wrote a hasty draft of an embargo message to Congress.¹ After referring to Armstrong's despatch announcing the Emperor's decision to enforce the Berlin Decree, Jefferson's draft noticed the threatened orders of England:—

“The British regulations had before reduced us to a direct voyage to a single port of their enemies, and it is now believed they will interdict all commerce whatever with them. A proclamation, too, of that Government (not officially, indeed, communicated to us, yet so given

¹ Jefferson to Gen. J. Mason; Works, v. 217. Cf. Jefferson to Madison, July 14, 1824; Works, vii. 373.

out to the public as to become a rule of action with them) seems to have shut the door on all negotiation with us, except as to the single aggression on the 'Chesapeake.' The sum of these mutual enterprises on our national rights is that France and her allies, reserving for future consideration the prohibiting our carrying anything to the British territories, have virtually done it by restraining our bringing a return cargo from them; and Great Britain, after prohibiting a great proportion of our commerce with France and her allies, is now believed to have prohibited the whole. The whole world is thus laid under interdict by these two nations, and our vessels, their cargoes, and crews are to be taken by the one or the other for whatever place they may be destined out of our own limits. If, therefore, on leaving our harbors we are certainly to lose them, is it not better, as to vessels, cargoes, and seamen, to keep them at home? This is submitted to the wisdom of Congress, who alone are competent to provide a remedy."

Unfortunately, no official document could be produced in proof of the expected British interdict, and mere newspaper paragraphs could not be used for the purpose. To avoid this difficulty Madison wrote, in pencil, another draft which omitted all direct mention of the expected British order. He proposed to send Congress the official letter in which the Grand Judge Regnier announced that the Berlin Decree would be enforced, and with this letter a copy of the British Impressment Proclamation as printed in the "National Intelligencer." On these two documents he founded his draft of a Message:—

“The communications now made showing the great and increasing danger with which our merchandise, our vessels, and our seamen are threatened on the high seas and elsewhere by the belligerent Powers of Europe, and it being of the greatest importance to keep in safety these essential resources, I deem it my duty to recommend the subject to the consideration of Congress, who will doubtless perceive all the advantages which may be expected from an immediate inhibition of the departure of our vessels from the ports of the United States.”¹

The Cabinet, every member being present, unanimously concurred in the recommendation to Congress;² but at least one member would have preferred that the embargo should be limited in time. The Cabinet meeting was held in the afternoon or evening of December 17, and early the next morning Gallatin wrote to the President suggesting a slight change in the proposed measure, and adding a serious warning which Jefferson would have done well to regard:—

“I also think,” said Gallatin,³ “that an embargo for a limited time will at this moment be preferable in itself and less objectionable in Congress. In every point of view — privations, sufferings, revenue, effect on the enemy, politics at home, etc. — I prefer war to a permanent embargo. Governmental prohibitions do always more

¹ Draft of Embargo Message, Jefferson MSS. Cf. Jefferson to Madison, July 14, 1824; Works, vii. 373.

² Jefferson to John G. Jackson, Oct. 13, 1808; Jefferson MSS.

³ Gallatin to Jefferson, Dec. 18, 1807; Gallatin's Writings, i. 368.

mischief than had been calculated ; and it is not without much hesitation that a statesman should hazard to regulate the concerns of individuals, as if he could do it better than themselves. The measure being of a doubtful policy, and hastily adopted on the first view of our foreign intelligence, I think that we had better recommend it with modifications, and at first for such a limited time as will afford us all time for reconsideration, and if we think proper, for an alteration in our course without appearing to retract. As to the hope that it may have an effect on the negotiation with Mr. Rose, or induce England to treat us better, I think it entirely groundless."

To this remarkable letter the President immediately replied by summoning the Cabinet together at ten o'clock in the morning.¹ No record of the consultation was preserved ; but when the Senate met at noon the Message was read by the Vice-president as it had been shaped by Madison. The suggestion of Gallatin as to a limit of time had not been adopted.

The Senate instantly referred the Message to a committee of five, with General Smith and J. Q. Adams at its head:—

"We immediately went into the committee-room," recorded Senator Adams in his Diary,² "and after some discussion, in which I suggested very strong doubts as to the propriety of the measure upon the papers sent with the President's Message, I finally acquiesced in it as a compliance with the special call for it in the Message.

¹ Jefferson to Gallatin, Dec. 18, 1807 ; Gallatin's Writings, i. 369.

² Diary of J. Q. Adams, Dec. 18, 1807, i. 491.

I inquired whether there were other reasons for it besides the diplomatic papers sent with the Message, as *they* appeared to me utterly inadequate to warrant such a measure. Smith, the chairman, said that the President wanted it to aid him in the negotiation with England upon which Mr. Rose is coming out, and that perhaps it might enable us to get rid of the Non-importation Act. I yielded. But I believe there are yet other reasons, which Smith did not tell. There was no other opposition in committee."

Senator Adams was right in believing that other reasons existed; but although the "National Intelligencer" of the same morning had published the warnings of British newspapers, — doubtless in order to affect the action of Congress, — no one of the Republican senators seemed to rely on the expected British order as the cause of the embargo. In foreign affairs Jefferson maintained the reserve of a European monarch. He alone knew what had been done or was doing, and on him rested the whole responsibility of action. The deference paid by the Senate to the Executive in matters of foreign policy seemed patriotic, but it proved fatal to one senator at least, whose colleague had grievances to revenge. When the committee, after a short deliberation, reported an Embargo Bill, and some of the senators appealed for delay, Adams, who was chafing under the delays which had already lowered the self-respect of Government and people, broke into a strenuous appeal for energy. "The President has recommended the meas-

ure on his high responsibility. I would not consider, I would not deliberate; I would act!" The words were spoken in secret session, but Senator Pickering noted them for future use.¹ Among the antipathies and humors of New-England politics none was more characteristic than this personal antagonism, beginning a new conspiracy which was to shake the Union to its foundations.

The Senate agreed with the committee that if an embargo was to be laid it should be laid promptly; and the bill, probably drawn by the President, passed through its three stages on the same day, by a vote of twenty-two to six. At the second reading it was strongly opposed by Hillhouse, Pickering, and Sumter of South Carolina; while William H. Crawford, the new senator from Georgia, asked only time for consideration.² Within four or five hours after hearing the Message read, the Senate sent its Embargo Act to the House.

Meanwhile the House also had received the President's Message, and had, like the Senate, gone at once into secret session. No sooner was the Message read than John Randolph and Jacob Crowninshield sprang at the same moment to their feet. The Speaker recognized Randolph, who instantly offered a Resolution, "that an embargo be laid on all shipping, the property of citizens of the United States, now in port,

¹ Pickering's Letter to Governor Sullivan, April 22, 1808. Cf. *New-England Federalism*, p. 174, *n*.

² Diary of J. Q. Adams, i. 491, 492.

or which shall hereafter arrive." After some time passed in discussion, on receiving the Senate bill the House laid Randolph's Resolution aside, and in secret session began a long and warm debate, which continued all day, and was not concluded on Saturday, December 19, when the House adjourned over Sunday.

The loss of this debate was unfortunate; for no private citizen ever knew the reasons which Congress considered sufficient to warrant a strain of the Constitution so violent as a permanent embargo implied. The debate was certainly dramatic: it was not only the first great political crisis witnessed in the new scenery of the Representatives' Chamber, but it also brought John Randolph forward in an attitude which astonished even those who had witnessed the Virginian's growing eccentricity. On Friday Randolph "scrambled" with Crowninshield for the floor, eager to force on the House a policy of embargo which he had again and again recommended as the only proper measure of national defence. On Saturday he rose again, but only to denounce his own measure as one that crouched to the insolent mandates of Napoleon, and led to immediate war with England.¹ The cry of French influence, raised by him and by the Federalist members, began on that day, and echoed in louder and louder tones for years.

On Monday, December 21, the debate closed, and the House consumed the day in voting. Amendment

¹ Adams's Randolph, p. 227.

after amendment was rejected. Most significant of all these votes was the list of yeas and nays on the question of limiting the embargo to the term of two months. Forty-six members voted in the affirmative; eighty-two in the negative. The New England and Pennsylvania Democrats obeyed the wishes of Jefferson, and riveted a permanent embargo on the people, without public discussion of the principle or explanation of the effect which was expected from a measure more trying than war itself to patriotism. The bill then passed by a vote of eighty-two to forty-four.

So small a part was played in this debate by the expected Order in Council that members afterward disputed whether the subject was mentioned at all. Probably the Administration preferred silence in public, either for fear of prejudicing the expected negotiation with Rose, or of weakening the effect of arguments which without the order were sufficiently strong; but in private no such reticence was shown. The British minister on Monday, before the bill had become law, notified Canning not only that an embargo was about to be laid, but of the cause which produced the measure:¹—

“It has been confidentially communicated to me that an embargo on all the shipping in the United States has been proposed in Congress, and although it is strongly resisted, it is expected that it will be carried, on the ground of expecting that a proclamation by his Majesty

¹ Erskine to Canning, Dec. 21, 1807; MSS. British Archives.

will be issued declaring France and her dependencies in a state of blockade. I hasten to send you this letter for fear of the effect of an embargo."

The person from whom Erskine received this confidential communication was probably the Secretary of State; for two days afterward, when the British minister wrote to say that the embargo had been laid, he added:¹—

"I propose to send off his Majesty's packet-boat with this intelligence immediately, and avail myself of this opportunity by a private ship to inform you that the embargo is not intended, as this Government declares, as a measure of hostility against Great Britain, but only as a precaution against the risk of the capture of their ships in consequence of the decree of Bonaparte of Nov. 21, 1806, which they have just learned is to be rigorously enforced; and also from an apprehension of a retaliatory order by Great Britain."

Thus the embargo was imposed; and of all President Jefferson's feats of political management, this was probably the most dexterous. On his mere recommendation, without warning, discussion, or publicity, and in silence as to his true reasons and motives, he succeeded in fixing upon the country, beyond recall, the experiment of peaceable coercion. His triumph was almost a marvel; but no one could fail to see its risks. A free people required to know in advance the motives which actuated government, and the intended consequences of important laws. Large

¹ Erskine to Canning, Dec. 23, 1807; MSS. British Archives.

masses of intelligent men were slow to forgive what they might call deception. If Jefferson's permanent embargo should fail to coerce Europe, what would the people of America think of the process by which it had been fastened upon them? What would be said and believed of the President who had challenged so vast a responsibility?

CHAPTER VIII.

DECEMBER 22 Jefferson signed the Embargo Act; four days afterward George Rose arrived at Norfolk. The avowed object of his mission was to offer satisfaction for the attack upon the "Chesapeake;" the true object could be seen only in the instructions with which he was furnished by Canning.¹

These instructions, never yet published, began by directing that in case any attempt should be made to apply the President's proclamation of July 2 to Rose's frigate, the "Statira," he should make a formal protest, and if the answer of the American government should be unsatisfactory, or unreasonably delayed, he should forthwith return to England. Should no such difficulty occur, he was on arriving at Washington to request an audience of the President and Secretary of State, and to announce himself furnished with full powers to enter into negotiation on the "Chesapeake" affair, but forbidden to entertain any proposition on any other point.

"With respect to that object, you will express your conviction that the instructions under which you act

¹ Instructions to G. H. Rose, Oct. 24, 1807 ; MSS. British Archives.

would enable you to terminate your negotiation amicably and satisfactorily. But you will state that you are distinctly instructed, previously to entering into any negotiation, to require the recall of the proclamation of the President of the United States, and the discontinuance of the measures which have been adopted under it."

After explaining that the disavowal and recall of Admiral Berkeley had taken away the excuse for interdicting free communication with British ships, and that thenceforward the interdict became an aggression, Canning directed that if the request be refused, Rose should declare his mission at an end; but supposing the demand to be satisfied, he was to disavow at once the forcible attack on the "Chesapeake."

"You will state further that Admiral Berkeley has been recalled from his command for having acted in an affair of such importance without authority. You will add that his Majesty is prepared to discharge those men who were taken by this unauthorized act out of the American frigate; reserving to himself the right of reclaiming such of them as shall prove to have been deserters from his Majesty's service, or natural-born subjects of his Majesty; and further, that in order to repair as far as possible the consequences of an act which his Majesty disavows, his Majesty is ready to secure to the widows and orphans (if such there be) of such of the men who were unfortunately killed on board the 'Chesapeake' as shall be proved not to have been British subjects, a provision adequate to their respective situation and condition in life."

This disavowal, and the removal of Berkeley from command, were to be the limit of concession. The circumstances of provocation under which Berkeley had acted, greatly extenuated his procedure; "and his Majesty therefore commands me to instruct you peremptorily to reject any further mark of his Majesty's displeasure toward Admiral Berkeley."

The remainder of Canning's instructions admits of no abridgment:—

"You will next proceed to state that after this voluntary offer of reparation on his Majesty's part, his Majesty expects that the Government of the United States will be equally ready to remove those causes of just complaint which have led to this unfortunate transaction.

"His Majesty requires this, not only as a due return for the reparation which he has thus voluntarily tendered, but as indispensable to any well-founded expectation of the restoration and continuance of that harmony and good understanding between the two governments which it is equally the interest of both to cultivate and improve.

"However much his Majesty may regret the summary mode of redress which has been resorted to in the present instance, it cannot be supposed that his Majesty is prepared to acquiesce in an injury so grievous to his Majesty as the encouragement of desertion from his naval service.

"The extent to which this practice has been carried is too notorious to require illustration; but the instance of the 'Chesapeake' itself is sufficient to justify the demand of adequate satisfaction.

"The protestation of Commodore Barron is contra-

dicted in the face of the world by the conviction and confession of one of those unhappy men who had been seduced from his allegiance to his Majesty, and to whom Commodore Barron had promised his protection.

“ His Majesty, however, does not require any proceeding of severity against Commodore Barron ; but he requires a formal disavowal of that officer’s conduct in encouraging deserters from his Majesty’s service, in retaining them on board his ship, and in denying the fact of their being there ; and he requires that this disavowal shall be such as plainly to show that the American government did not countenance such proceedings, and to deter any officer in their service from similar misconduct in future.

“ He requires a disavowal of other flagrant proceedings, — detailed in papers which have been communicated to you, — unauthorized, his Majesty has no doubt, but with respect to which it ought to be known to the world that the American government did not authorize and does not approve them.

“ You will state that such disavowals, solemnly expressed, would afford to his Majesty a satisfactory pledge on the part of the American government that the recurrence of similar causes will not on any occasion impose on his Majesty the necessity of authorizing those means of force to which Admiral Berkeley has resorted without authority, but which the continued repetition of such provocations as unfortunately led to the attack upon the ‘ Chesapeake ’ might render necessary, as a just reprisal on the part of his Majesty.

“ And you will observe, therefore, that if the American government is animated by an equally sincere desire with that which his Majesty entertains to preserve the rela-

tions of peace between the two countries from being violated by the repetition of such transactions, they can have no difficulty in consenting to make these disavowals.

“This consent is to be the express and indispensable condition of your agreeing to reduce into an authentic and official form the particulars of the reparation which you are instructed to offer.”

Rose came, not to conciliate, but to terrify. His apology was a menace. So little was the President prepared for such severity, that from the moment of his consent to treat the “Chesapeake” affair by itself he rather regarded the mission and reparation as a formality. So completely had Monroe been beguiled by Canning’s courteous manners, that no suspicion of the truth crossed his mind or crept into his despatches. No prominent American, except Giles, ventured to hint that this mission of peace and friendship was intended only to repeat the assertion of supremacy which had led to the original offence.

George Henry Rose was chiefly remembered as the father of Lord Strathnairn ; but his merits were quite different from those of his son. Without the roughness which sometimes marked English character, Rose’s manners betrayed a dignified and slightly patronizing courteousness, — a certain civil condescension, — impressive to Americans of that day, who rarely felt at ease in the presence of an Englishman, or were quite certain that an American gentleman knew the habits of European society. Benevolent

superiority and quiet assumption, so studied as to be natural and simple, were the social weapons with which George Rose was to impose an unparalleled indignity on a government which, in professing contempt for forms, invited discourtesies. No man could have been chosen with qualities better suited for enforcing Canning's will on the yielding moods of Jefferson.

Rose's first act after arriving in Hampton Roads was to notify the President that he could not land until assured that the proclamation of July 2 would not be enforced against his ship. Canning had been already officially informed that the proclamation expressly excepted vessels on a service like that of the "Statira," as he might have seen for himself by a moment's inquiry; but his instructions were written to suit the temper of Tory constituents. Rose was obliged to wait from December 26 until January 9 before leaving his ship, while messengers carried explanations and notes between Norfolk and Washington.

Monroe, who sailed from England a day later than Rose, reached Washington December 22. Rose arrived only January 14. January 16 he was received by the President, and made no complaint of the mode of reception. In the four years that had passed since Merry's arrival, Jefferson had learned to be less strict in Republican etiquette; but although Rose suffered no indignity at the White House, he found much to disapprove in the government. January 17, in a

despatch to Canning, he mentioned that Congress contained one tailor, one weaver, six or seven tavern-keepers, four notorious swindlers, one butcher, one grazier, one curer of hams, and several schoolmasters and Baptist preachers.¹

The most aristocratic American of the twentieth century will probably agree with the most extreme socialist in admitting that Congress, in 1808, might with advantage have doubled its proportion of tailors, butchers, and swindlers, if by doing so it could have lessened the number of its conspirators. To the latter class belonged Senator Pickering, whose power for mischief and whose appetite for intrigue combined to make him a valuable ally for Rose. Within forty-eight hours after Rose's arrival, the senator from Massachusetts had fallen under the fascination of the British envoy's manners and conversation. January 18 he wrote to his nephew Timothy Williams,²—

“I now take up my pen merely to mention an unexpected interview with Mr. Rose. I met him last Saturday [January 16] at Georgetown, at the table of Mr. Peter, whose lovely wife is a granddaughter of Mrs. Washington. Mr. Rose's face is indicative of a placid temper, and his conversation confirms it. He possesses good sense and a disposition perfectly conciliatory. Such also is the disposition of the minister, Canning, by whom he was selected for this mission. Canning was his school-fellow and intimate friend. It seemed to me a sort of friendly compulsion that sent him hither. It was

¹ Rose to Canning, Jan. 17, 1808 ; MSS. British Archives.

² Pickering to T. Williams, Jan. 18, 1808 ; Pickering MSS.

a sacrifice for a domestic man who left a wife and seven children behind him, and from whom he had never before been separated. Thus much I gathered from his conversation with me, which was marked with ease and candor ; indeed with singular openness, as if I had been an old acquaintance. He expressed his surprise that the real state of the negotiation with Mr. Monroe had not become officially known to the people by an open communication to Congress. No minister of Great Britain, he observed, would have used such concealment as existed here. He manifested a solicitude even to anxiety for a pacific adjustment of all our differences. What our Government will demand as a reparation for the attack on the ' Chesapeake ' I do not know, nor what Mr. Rose is authorized to concede ; but I run no hazard in saying that nothing in reality will be denied, and that if after all a war with England should ensue, the fault will be our own."

In giving this account of Rose's singular openness and candor, Senator Pickering did not repeat his own remarks in the conversation ; but they could be inferred from the rest of his letter.

" I wrote last week to Mr. Cabot that I had the best authority for saying that our Government had abandoned the ground taken in London, — to treat of the ' Chesapeake ' affair only in connection with the old subjects of dispute. They have now determined to negotiate on this separately, and even say that it is an affair by itself and ought to be so treated. Perhaps they may demand that Admiral Berkeley be brought to a British court-martial, — that at any rate he be removed from command ; and that the three rascals of deserters who remain unhung should be restored.

“*Confidence* now seems to be in Mr. Jefferson’s hands as effectual in producing a compliance with his recommendations as soldiers in the hands of Bonaparte in procuring submission to his commands. With the like implicit, blind confidence which enacted the Embargo, the legislatures of Virginia and Maryland have approved it. To this day if you ask any member of Congress the cause and the object of the Embargo, he can give no answer which common-sense does not spurn at. I have reason to believe that Mr. Jefferson expected to get some credit for it by having it ready just in time to meet the retaliating order of England for Napoleon’s decree of Nov. 21, 1806. With much solicitude he, two or three weeks ago, expressed his wonder that it did not arrive, apparently desiring it as a material justification with the people for the Embargo. He will doubtless be utterly disappointed.”

That Jefferson in recommending the Embargo had the Orders in Council in his mind was therefore known to Pickering,¹ and was the general talk of Federalists in Washington during the month which followed the Embargo Act; but the orders themselves reached America only the day after this letter was written, and were published in the “National Intelligencer” of January 22. In full view of the official command that American trade with Europe should pass through British ports and pay duty to the Brit-

¹ Cf. Letters addressed to the People of the United States, by Col. Timothy Pickering. London (reprinted), 1811. Letter xiii. p. 96. Review of Cunningham Correspondence, by Timothy Pickering (Salem, 1824), pp. 56–58.

ish Treasury, doubt as to the wisdom of an Embargo seemed at an end. No further dispute appeared possible except on the question whether or when the Embargo should be raised in order to declare war. Already, January 11, Senator Adams offered a Resolution for appointing a committee to consider and report when the Embargo could be taken off and vessels permitted to arm; but the Senate silently rejected the Resolution, January 21, by a vote of seventeen to ten.¹ Neither decision nor debate on so serious a point could be profitably undertaken before the result of Rose's diplomacy should be revealed.

Saturday, January 16, before meeting Senator Pickering at dinner, Rose had delicately explained to Madison that the President's "Chesapeake" proclamation was likely to prove a stumbling-block. In conversations which consumed another week he urged its withdrawal, while Madison replied that the exclusion of British ships was not a punishment but a precaution, that the "Leopard's" attack was but one of its causes, and that it was a measure taken in the interests of peace. Argument against Canning's positive instructions answered no purpose. Rose could not give way, and when he had been one week in Washington, January 21, the negotiation was already at a stand-still. There it would under any other Administration have been permitted to remain. Rose had come to offer an apology and to restore the captured seamen. He had only to do this and go home.

¹ Diary of J. Q. Adams, i. 504.

Rose, after an interview with the Secretary of State about January 21, waited until January 27 before writing to Canning. Then he resumed his story:¹—

“Within a few hours after my last conference with Mr. Madison, an indirect and confidential communication was made to me from one of the members of the Government to the following purport: that the real difficulty as to the recall of the proclamation was that of finding grounds upon which the President could found his declared motives for such a measure without exposing himself to the charge of inconsistency and disregard of the national honor, and without compromising his own personal weight in the State; that it was earnestly wished that I could make, as it were, a bridge over which he might pass; and that I would develop just so much of the tenor of my instructions as to the conditions of reparation as might justify him in the course which I required should be taken; that should however this be impossible, and should the negotiation fail, the United States would not commence war with Great Britain, but would continue their Embargo, and adopting a sort of Chinese policy would shut themselves up from the rest of the world; that if we attacked them they would sally out just far enough to repel us, and would invade Canada. . . . Communications of a similar nature were repeated to me on subsequent days; and it did not seem advisable to address Mr. Madison in writing until the utmost point to which they would go was ascertained. At length I had a conversation with the gentleman in question. He avowed to me that what had passed was with the knowl-

¹ Rose to Canning, Jan. 27, 1808; MSS. British Archives.

edge of the President, whose difficulty arose from the sacrifice of public opinion which he apprehended must follow from the abandonment of the proclamation. He said I must be aware how dear to Mr. Jefferson his popularity must be, and especially at the close of his political career, and that this consideration must be held particularly in view by him; and he pressed me earnestly to take such steps as would conciliate the President's wish to give his Majesty satisfaction on the point in question and yet to maintain the possession of what was pre-eminently valuable to him. He expressed his own personal anxiety for the accommodation of the present difference, — an anxiety heightened by his knowledge that the United States had forever lost all hope of obtaining the Floridas, the negotiation for them having totally failed, and by his intimate persuasion that France is the dormant owner of them. He said, moreover, that since America could not obtain those provinces, he sincerely wished to see them in the hands of Great Britain, whose possession of them could never be anxious to the United States."

The supplications of this Cabinet minister were reinforced by entreaties from leading Federalists, who begged Rose not to follow a course which would aid the President in rousing popular feeling against England; but the British envoy could yield only so far as not to break the negotiation abruptly. January 26 he wrote to the Secretary a note, in courteous language announcing himself authorized to express the conviction — which he certainly could not have felt — that if the proclamation were withdrawn, he

should be able "to terminate the negotiation amicably and satisfactorily." Madison sent no answer to the note, but kept the negotiation alive by private interviews. January 29 Rose suggested the idea of his friendly return to England with a representation of the difficulty. Madison reported this suggestion to the President, who on the following Monday, February 1, decided against the idea, preferring to yield the point of dignity so far as to offer a recall of the proclamation, conditional upon an informal disclosure by Rose of the terms in which the atonement would be made.¹

Throughout this tortuous affair Rose stood impassive. He made no advance, offered no suggestion of aid, showed no anxiety. Republicans and Federalists crowded about him with entreaties and advice. Rose listened in silence. Amateur diplomacy never showed its evils more plainly than in the negotiation with Rose; and when Madison allowed the President to take the affair into his own hands, employing another Cabinet officer to do what no Secretary of State could permit himself to undertake, the nuisance became a scandal. In the despatch of January 27 Rose concealed the name of the deputy Secretary of State; but in a despatch of February 6 he revealed it: —

"I should here add that a member of the Cabinet (the Secretary of the Navy), who informed me that all his communications with me were with the President's knowl-

¹ Negotiations with Mr. Rose; Madison's Works, ii 411.

edge, assures me that a rupture with France is inevitable and at hand."

That Robert Smith acted in the matter as negotiator for the President was afterward made known by Jefferson himself.¹

Jefferson clung with touching pathos to the love and respect of his fellow-citizens, who repaid his devotion with equal attachment; but many an American President who yearned no less passionately for the people's regard would have died an outcast rather than have trafficked in their dignity and his own self-respect in order to seek or save a personal popularity. Perhaps Jefferson never knew precisely what was said of him by his Secretary of the Navy, — a passing remark by such a man as Robert Smith, repeated through such a medium as George Rose, need count for little; but the truth must be admitted that in 1808 — for the first and probably for the last time in history — a President of the United States begged for mercy from a British minister.

In obedience to the President's decision, Madison yielded to the British demand on condition that the Executive should not be exposed to the appearance of having yielded.² He arranged with Rose the "bridge" which Robert Smith had previously prepared for the President to cross. In a "secret and

¹ Jefferson to W. Wirt, May 2, 1811; Works, v. 593.

² Negotiations with Mr. Rose, Feb. 4, 1808; Madison's Works, ii. 12.

confidential" despatch dated Feb. 6, 1808, Rose explained to Canning, with evident uneasiness, the nature of the new proposal:¹—

"The proposition made to me by Mr. Madison at the close of our conference of yesterday was that he should put into my hands a proclamation recalling the original proclamation, sealed and signed by the President, bearing date on the day of adjustment of differences, and conceived in such terms as I should agree to; that on this being done we should proceed to sign the instruments adjusting the reparation. I answered that positive as my instructions were to the effect I had invariably stated to him, such was the knowledge I had of the disposition of his Majesty's government to act with the utmost conciliation toward this country that I would attempt the experiment, but premising distinctly that it must be made unofficially through the whole of it, and with the assurance of our mutual good faith to that effect; and that as it must be completely and essentially informal,—for the purpose of getting over difficulties which appeared insuperable in any other way,—it must be distinctly understood that if the attempt failed, the regular and official communication must be resumed on my explanatory note of January 26, and on that alone."

In the defence which Rose offered for thus disregarding his instructions, the cause of his embarrassment was plain. Duty required him to act as though England had hitherto endured with magnanimity the

¹ Rose to Canning, Feb. 6, 1808; MSS. British Archives. Cf. Madison's Writings, ii. 413.

wrongs inflicted by America, but might find herself obliged soon to resent them. This attitude could have been maintained against ordinary forms of diplomacy, but Rose found himself stifled in the embraces of men whose hatred was necessary to warrant his instructions. He would gladly have assumed that Madison's concessions and Robert Smith's cajoleries were treacherous; but his Federalist friends, whose interests were actively English, assured him that if America could avoid a war with England, she would inevitably drift into a war with France. The temptation to show equal courtesy to that which was shown to him, the instinctive shrinking from a harsh act, the impossibility of obeying instructions without putting himself in the wrong, and finally perhaps an incapacity to understand the full humiliation implied in his unrevealed demands,—led him to give way, and to let Madison partially into the secret of Canning's instructions.

On the evening of February 5 Rose and Erskine went to the house of the Secretary, and a draft of the proposed proclamation was there offered to them and accepted. The next day, at the Department, Rose delicately began to reveal the further disavowals he was instructed to demand. Even then he seemed ashamed to betray the whole, but delayed and discussed, knowing that he had done too much or too little for the objects of his mission. Not until after repeated interviews did he at last, February 14, mention "with an apology for omitting it before, when he

intended to do it," that a disavowal of Commodore Barron would be required.¹

So cautious was Madison on his side that he offered to make a part of the required disavowals, provided these should be mutual. Rose declined this offer, but proposed nothing more, and seemed rather to invite a friendly failure of agreement. He ended the conversation of February 14 by addressing to Madison the usual words of rupture: "I will not dissemble that I leave you with the most painful impressions."² February 16 Madison closed these informal interviews with the dry remark that the United States could not be expected to "make as it were an expiatory sacrifice to obtain redress, or beg for reparation."³

The delay had strengthened Rose by weakening the President. The embargo was beginning to work. That the people should long submit to it was impossible, reported Rose; even North Carolina was turning against it. Monroe's influence made itself felt.

"I learn this day," wrote the British envoy February 17, "that Mr. Monroe has been indefatigable in representing through Virginia the contrasted systems of Great Britain and France in their true lights, the certain destruction which must result to America from the prevalence of the latter, and the necessity of uniting for existence with the former. He has undoubtedly acquired

¹ Madison's Writings, ii. 416.

² Rose to Canning, Feb. 16, 1808; MSS. British Archives.

³ Rose to Canning, Feb. 17, 1808; MSS. British Archives.

a very strong party in that State, — it is now said a decided majority in its legislature, and one entirely brought over to the views above enounced.”

February 22, only a few days after the rupture of negotiation, the Milan Decree arrived, and was published in the “National Intelligencer.” This violent act of Napoleon did much to divert popular indignation from England. Under the influence of this good fortune, Rose so little feared war as a consequence of his failure that he speculated rather as to the policy of accepting the United States as an ally:

“It would certainly be highly desirable,” he wrote,¹ “that a rupture between France and America should take place; but the latter under its present Constitution and Administration could take but a very feeble part in the warfare, and I know not if it is to be wished that it should be roused to greater exertions, which must lead to a more efficient form of government, a knowledge of its strength, and the development of extensive views of ambition.”

Nothing remained but to revert to Rose’s note of January 26, and to close the affair by a formal correspondence. No further attempt was made to conciliate the British envoy, or to obtain concessions from him; but February 24 he was told by Madison of two steps to be taken by the Government which bore on his negotiation. The President would recommend to Congress an increase of the army to ten thousand men, and a levy of twenty-four thousand

¹ Rose to Canning, Feb. 27, 1808; MSS. British Archives.

volunteers. Madison added that these were to be considered as "measures of preparation, but not as leading to war, or as directed against any particular nation." The Secretary added that an order had been issued to discharge all British subjects from national ships,— "an act of complaisance in its effects which he observed Great Britain could lay no claim to; which was done gratuitously, but from views of policy and fitness entertained by this Government."

March 5 Madison at last sent his reply to Rose's note of January 26. After repeating the reasons which forbade a withdrawal of the President's proclamation, the Secretary closed by informing Rose that the President "has authorized me, in the event of your disclosing the terms of reparation which you believe will be satisfactory, and on its appearing that they are so, . . . to proceed to concert with you a revocation of that act."¹ Rose waited till March 17, as though hoping for some further overture, but finally replied, "It is with the most painful sensations of regret that I find myself . . . under the necessity of declining to enter into the terms of negotiation which by direction of the President you therein offer."²

Rose's professions of regret were doubtless sincere. Apart from the wish felt by every young diplomatist to avoid the appearance of failure, Rose could not but

¹ Madison to Rose, March 5, 1808; State Papers, iii. 214.

² Rose to Madison, March 17, 1808; State Papers, iii. 217.

see that his Government must wish to be relieved of the three American seamen imprisoned at Halifax, whose detention, admitted to be an act of violence, must become a festering sore in the relations of the two countries. That the American government meant to profit by it was evident. By leaving the "Chesapeake" affair unsettled, Rose played into the hands of a national party. For the first time since 1794 language began to be used to a British minister in the United States which he could not hear without loss of dignity or sense of discredit. The word "war" was semi-officially pronounced.

When on Monday, March 21, Rose made his parting visits, he found the President silent; the Secretary of State studiously avoided all political topics, while if Rose's report was accurate, Gallatin and Robert Smith talked with intentional freedom.

"Mr. Gallatin, the Secretary of the Treasury, has little influence in the Government, though by far the ablest and best informed member of it; and he probably does not interfere materially beyond the limits of his own department; but his utility in that department, in which no adequate successor to him is contemplated, is such that, as they feel they cannot do without him, they are anxious to retain him at the head of it, and consequently are obliged to keep him informed of their proceedings. . . . Mr. Gallatin said at once and spontaneously that *nothing* of real difficulty remained between the two countries but his Majesty's Orders in Council. This he repeated twice, dwelling upon the word 'nothing' with particular emphasis. He added that if the bellige-

rent Powers persisted in enforcing their restrictions on the neutral commerce, the embargo must be continued until the end of the year, and that then America must take part in the war; that England had officially declared that she would revoke the restrictions she had imposed if her enemy would do the same; but that though France had professed as much, she had neither done it to the minister of the United States at Paris nor directly to this Government; neither had she made any communication to it of her restrictive edicts, or relative to them; and that this Government felt sensibly the difference of the conduct held toward it by those of Great Britain and France in those respects.”¹

Gallatin's assertion that if the Orders in Council were enforced America within a year must declare war, went far beyond any threat ever made before by President Jefferson or his party. The Secretary of the Navy held a somewhat different tone:—

“Mr. Smith told me that all would remain quiet if no new vexations were committed on their coast, and that the only measure which the Government would carry into effect would be the levy of the body of regulars to consist nominally of six thousand, but really of four thousand men.”

Senator Giles and other Republican leaders avowed readiness for war with England. Before Rose's departure, the new policy had become defined. Its first object was to unite America in resisting England and France; the second, to maintain the embargo till the country should be ready for war.

¹ Rose to Canning, March 22, 1808; MSS. British Archives.

With these ends in view, the Administration threw aside the "Chesapeake" affair as a matter which concerned England rather than America. Madison notified Erskine that the subject had lost its consequence, and that if England wished a settlement she must seek it.

"It will throw some light upon the views of this Government," wrote Rose in his last despatch,¹ "if I state that in a recent conversation with Mr. Erskine, Mr. Madison observed that since England has thus publicly disclaimed the right of search of national ships for deserters, and Admiral Berkeley has been recalled from command of the Halifax squadron, although a more formal mode of terminating the business would have been more acceptable to this Government, it would consider itself as satisfied on the restoration of the seamen taken away by an act of force disavowed by his Majesty; but that it would not again ask for reparation upon this matter."

From that moment all eyes turned toward the embargo. The President had chosen his ground. Unless his experiment succeeded, he might yet be forced into the alternative of a second submission or war.

¹ Rose to Canning, March 22, 1808; MSS. British Archives. Cf. Madison to Pinckney, April 4, 1808; State Papers, iii. 221.

CHAPTER IX.

ALL winter Congress waited for the result of Rose's negotiation. The huge majority, without leadership, split by divergent interests, a mere mob guided from the White House, showed little energy except for debate, and no genius except for obedience.

The first political effect of the embargo was shown in the increased virulence of debate. The Act of December 22, passed on the spur of the moment, was powerless to prevent evasions in the seaports, and left untouched the trade with Canada and Florida. A supplementary Act was necessary; but to warrant a law for stopping all commerce by sea and land, the Government could no longer profess a temporary purpose of protecting ships, merchandise, and seamen, but must admit the more or less permanent nature of the embargo, and the policy of using it as a means of peaceable coercion. The first Supplementary Act passed Congress as early as January 8, but applied only to coasting and fishing vessels, which were put under heavy bonds and threatened with excessive penalties in case of entering a foreign port or trading in foreign merchandise. Finding that this measure was not effective, and that neither England nor France

showed a sign of relaxing the so-called system of retaliation, Government was obliged to complete its restrictions. February 11 the House instructed its Committee of Commerce to inquire what further legislation was necessary "to prevent the exportation of goods, wares, and merchandise of foreign or domestic growth or manufacture to any foreign port or place." The committee instantly reported a bill; and as Rose's negotiation broke down, February 19 the House went into committee to debate a second supplementary Embargo Act, which was to stop by land and sea all commerce with the world.

The next day, February 20, Barent Gardenier of New York, who surpassed Josiah Quincy in hatred of the Administration, attacked the new bill in a speech which showed much rough power and more temper. He said with force that between the original embargo and this Supplementary Act no connection existed. The one was an embargo, the other was non-intercourse; and he charged that the original embargo was a fraud, intended to trick the country into a permanent system of non-intercourse:—

"The more the original measure develops itself, the more I am satisfied that my first view of it was correct; that it was a sly, cunning measure; that its real object was not merely to prevent our vessels from going out, but to effect a non-intercourse. Are the nation prepared for this? If you wish to try whether they are, tell them at once what is your object. Tell them what you mean. Tell them you mean to take part with the Grand Pacifi-

cator. Or else stop your present course. Do not go on forging chains to fasten us to the car of the Imperial Conqueror."

Interrupted by a dozen Republican members who leaped to their feet in anger, Gardenier for a time returned to his argument and dropped the assertion of subservience to Napoleon:—

"I ask the intelligent and candid men of this House whether to prevent the farmers of Vermont from selling their pigs in Canada is calculated to increase or diminish our essential resources; whether the object which the President professed to have in view is counteracted by a traffic of this kind. . . . I could wish gentlemen would, instead of bolting at me in the fulness of their rage, endeavor to satisfy my poor understanding by cool reasoning that they are right; that they would show me how this measure will prepare us for war; how the weakening by distressing every part of the country is to increase its strength and its vigor."

Had Gardenier stopped there, his argument would have admitted no answer; but he had the defect of a Federalist temper, and could not control his tongue.

"Sir, I cannot understand it. I am astonished, — indeed I am astonished and dismayed. I see effects, but I can trace them to no cause. Yes, sir, I do fear that there is an unseen hand which is guiding us to the most dreadful destinies, — unseen because it cannot endure the light. Darkness and mystery overshadow this House and this whole nation. We know nothing; we are permitted to know nothing; we sit here as mere automata; we legislate without knowing — nay, sir, without wishing

to know — why or wherefore. We are told what we are to do, and the Council of Five Hundred do it. We move, but why or wherefore no man knows. We are put in motion, but how I for one cannot tell.”

Gardenier was believed to be the author of a letter written during the secret session, December 19, and published in the “New York Evening Post,” which began the cry of French influence.¹ His speech of February 20, insulting to the House, disorderly and seditious, resting on innuendo but carrying the weight of a positive assertion, outraged every member of the majority. Even John Randolph had never gone so far as to charge his opponents with being the willing and conscious tools of a foreign despot. The House was greatly exasperated, and at the next session, Monday, February 22, three members — Richard M. Johnson of Kentucky, George W. Campbell of Tennessee, and John Montgomery of Maryland — rose successively and declared that Gardenier’s expressions were a slander, which if not supported by proof made their author an object of contempt. Gardenier challenged Campbell, and March 2 a duel took place at Bladensburg. Gardenier was severely wounded, but escaped with life, while the bitterness of party feeling became more violent than before.

Yet no member ventured fairly to avow and defend the policy of non-intercourse as a policy of coercion. Campbell, the leader of the majority, admitted that the embargo was intended to distress England, and

¹ Annals of Congress, 1807–1808, p. 1251, *n*.

France, but treated it mainly as a measure of defence. No full and fair discussion of the subject was attempted; and the bill passed both Houses and was approved by the President March 12, without calling from the Government a hint in regard to the scope of its policy or the length of time during which the system of seclusion was to last. Even Jefferson kept silence upon what was uppermost in his mind, and defended the embargo on every ground except that which with him, if with no one else, was strongest. In private he said that the measure was intended to last until the return of peace in Europe, or as long as the orders and decrees of England and France should be maintained:—

“Till they return to some sense of moral duty we keep within ourselves. This gives time. Time may produce peace in Europe; peace in Europe removes all causes of difference till another European war; and by that time our debt may be paid, our revenues clear, and our strength increased.”¹

With such reasoning the opponents of the embargo were far from pleased. Nevertheless, Jefferson carried his point, and could for the moment afford to disregard criticism. His experiment of peaceable coercion was sure of a trial. His control over Congress seemed absolute. Only twenty-two members voted against the Supplementary Embargo Act, and in the Senate no opposition was recorded.

With such influence Jefferson might promise him-

¹ Jefferson to John Taylor, Jan. 6, 1808; Works, v. 226.

self success in any undertaking; and if he had at heart one object more momentous than the embargo, it was the punishment of Chief-Justice Marshall for his treatment of Burr. As early as Nov. 5, 1807, Senator Tiffin of Ohio began his career in the Senate by moving, as an amendment to the Constitution, that all judges of the United States should hold office for a term of years, and should be removed by the President on address by two-thirds of both Houses. Governor Tiffin's motion was not an isolated or personal act. The State legislatures were invoked. Vermont adopted the amendment. The House of Delegates in Virginia, both branches of the Pennsylvania legislature, the popular branch in Tennessee, and various other State governments, in whole or in part, adopted the principle and urged it upon Congress. In the House, George W. Campbell moved a similar amendment January 30, and from time to time other senators and members made attempts to bring the subject forward. In the Senate, Giles aided the attack by bringing in a bill for the punishment of treason. February 11 he spoke in support of his proposed measure, advancing doctrines which terrified Democrats as well as Federalists. Joseph Story was one of his audience, and wrote an account of this alarming speech:—

“Giles exhibits in his appearance no marks of greatness; he has a dark complexion and retreating eyes, black hair, and robust form. His dress is remarkably plain and in the style of Virginia carelessness. Having

broken his leg a year or two since, he uses a crutch, and perhaps this adds somewhat to the indifference or doubt with which you contemplate him. But when he speaks, your opinion immediately changes. . . . I heard him a day or two since in support of a bill to define treason, reported by himself. Never did I hear such all-unhinging and terrible doctrines. He laid the axe at the root of judicial power, and every stroke might be distinctly felt. His argument was very specious and forensic, sustained with many plausible principles and adorned with various political axioms, designed *ad captandum*. One of its objects was to prove the right of the Legislature to *define* treason. My dear friend, look at the Constitution of the United States and see if any such construction can possibly be allowed! . . . He attacked Chief-Justice Marshall with insidious warmth. Among other things he said, ‘I have learned that judicial opinions on this subject are like changeable silks, which vary their colors as they are held up in political sunshine.’”¹

Had Giles’s proposed definition of treason become law, it would in another half-century have had singular interest for Virginians of his school. According to this bill any persons, without exception, “owing allegiance to the United States of America,” who should assemble with intent forcibly to change the government of the United States, or to dismember them or any one of them, or to resist the general execution of any public law, should suffer death as a traitor; and even though not personally present at the assemblage or at the use of force, yet should any person aid or

¹ Story’s Life and Letters of Joseph Story, i. 158–159.

assist in doing any of the acts proscribed, such person should also suffer death as a traitor.¹ Fortunately for Southern theories the bill, although it passed the Senate by means of Southern votes, was lost in the House, where John Randolph had introduced a bill of his own more moderate in character.²

Although the attack on the Supreme Court was more persistent and was carried further than ever before, it met with passive resistance which foreshadowed failure, and probably for this reason was allowed to exhaust its strength in the committee-rooms of Congress. The chief-justice escaped without a wound. Under the shadow of the embargo he could watch in security the slow exhaustion of his antagonist. Jefferson had lost the last chance of reforming the Supreme Court. In another six months Congress would follow the will of some new Executive chief; and if in the full tide of Jefferson's power Marshall had repeatedly thwarted or defied him with impunity, the chance was small that another President would meet a happier fate.

The failure of his attack on the Supreme Court was not the only evidence that Jefferson's authority when put to the test was more apparent than real. If in the President's eyes Marshall deserved punishment, another offender merited it still more. Senator Smith of Ohio was deeply implicated in Burr's conspiracy.

¹ Bill for the Punishment of Treason and other crimes; *Annals of Congress*, 1807-1808, p. 108.

² *Annals of Congress*, 1807-1808, p. 1717.

The dignity of the President and of Congress demanded inquiry, and an investigation was made. The evidence left no reasonable doubt that Smith had been privy to Burr's scheme; but the motion to expel him from the Senate failed by a vote of nineteen to ten, two thirds being required for this purpose. In the House, John Randolph brought charges against General Wilkinson which could neither be admitted nor met. The Administration was obliged to cover and ignore the military scandals brought to light by Burr's trial.

Even in regard to more serious matters the Government could hardly feel secure. In February, Sloan of New Jersey offered a motion that the seat of government should be removed from Washington to Philadelphia. The House, February 2, by a vote of sixty-eight to forty-seven, agreed to consider the resolution, and a debate followed which proved how far from stable the actual arrangement was supposed to be. Republicans and Federalists alike assailed the place in which they were condemned to live. Fifteen million dollars, it was said, had been spent upon it with no other result than to prove that a city could never be made to exist there. One day they were choked with dust; the next they were wallowing in mire. The climate was one of violent changes and piercing winds. Members sickened and died in greater numbers than ever before, but in case of illness they could find no physician except by sending to the navy yard some miles away. At the last session the House had

been driven from its old hall by the wind breaking its windows. The new hall, however magnificent was unfit for its purpose ; to hear was impossible ; its ventilation was so bad as to have caused the illness of Jacob Crowninshield, one of its leading members, then lying at the point of death. The prices of everything in Washington were excessive. Butter was fifty cents a pound ; a common turkey cost a dollar and a half ; in Philadelphia members would save one hundred and fifty dollars a day in hack-hire alone. Even these objections were trifling compared with the inconvenience of governing from a wilderness where no machinery existed to make administration easy. As an example of the absurdities of such a system, members pointed to the navy yard, only to be reached by following the windings of the shallow Potomac, while the Navy Department was obliged at extravagant cost to bring every article of use from the seaboard, besides recruiting seamen at the commercial ports for every ship fitted out at Washington.

Sloan desisted from his motion only after the House had shown itself strongly inclined toward his opinion. On another point the divergence of ideas became more marked, and Jefferson found himself obliged to strain his influence.

In the Republican party any vote for a standing army had been hitherto considered a crime. The Federalists in 1801 had left a force of five thousand men ; Jefferson reduced it to three thousand. The

Republican party believed in a militia, but neglected it. Throughout the Southern States the militia was undisciplined and unarmed; but in Massachusetts, as President Jefferson was beginning to notice, the Federalists took much care of their State soldiery. The United States fort at Newport was garrisoned only by goats, and the strategic line of Lake Champlain and the Hudson River, which divided New England from the rest of the Union, lay open to an enemy. In view of war with England such negligence became wanton. Jefferson saw that an army must be raised; but many of his truest followers held that militia alone could be trusted, and that the risk of conquest from abroad was better than the risk of military despotism at home.

For a people naturally brave, Americans often showed themselves surprisingly unwilling to depend upon their own strength. To defy danger, to rush into competition with every foreign rival, to take risks without number, and to depend wholly on themselves were admitted characteristics of Americans as individuals; but the same man who, when left to his own resources, delighted in proving his skill and courage, when brought within the shadow of government never failed to clamor for protection. As a political body the American people shrank from tests of its own capacity. "American systems" of politics, whether domestic or foreign, were systems for evading competition. The American system in which the old Republican party believed was remarkable for avow-

ing want of self-confidence as the foundation of domestic as well as of foreign policy. The Republican party stood alone in refusing, on principle, to protect national rights from foreign outrage; but it defied imitation when the sacrifice of national rights was justified by the argument that if American liberties were not abandoned to foreign nations they would be destroyed by the people themselves. War, which every other nation in history had looked upon as the first duty of a State, was in America a subject for dread, not so much because of possible defeat as of probable success. No truer Republican could be found in Virginia than John W. Eppes, one of Jefferson's sons-in-law; and when the House debated in February a Senate bill for adding two regiments to the regular army, Eppes declared the true Republican doctrine:¹—

“If we have war, this increase of the army will be useless; if peace, I am opposed to it. I am in favor of putting arms into the hands of our citizens and then let them defend themselves. . . . If we depend on regular troops alone, the liberty of the country must finally be destroyed by that army which is raised to defend it. Is there an instance in which a nation has lost its liberty by its own citizens in time of peace? It is by standing armies and very often by men raised on an emergency and professing virtuous feelings, but who eventually turned their arms against their country. . . . I never yet have voted for a regular army or soldier in time

¹ Annals of Congress, Feb. 17, 1808; Thirteenth Congress, pp. 1627, 1631.

of peace. Whenever an opportunity has offered I have voted them down; and so help me God! I will as long as I live."

One week after Eppes spoke these words, President Jefferson sent to Congress a Message asking for an immediate addition of six thousand men to the regular army.¹ No such blow had ever been given to the established practices of Republican administration. Ten years before, every leader of the party had denounced the raising of twelve regiments at a time of actual hostilities with France, although the law limited their service to the term of the expected war. The eight regiments demanded by Jefferson were to be raised for five years in a time of peace. The Southern Republicans saw themselves required to walk, publicly and avowedly, in the footsteps of their monarchical predecessors; while John Randolph stood by and jeered at them.

The House waited until Rose had fairly sailed and the session drew near its end, with embargo fastened upon the country, and no alternative visible but war; then slowly and unwillingly began its recantations. April 4 John Clopton of Virginia² admitted that in 1798 he had voted against the army. His excuse for changing his vote was that in 1798 he thought there was no ground for fearing war, while in 1808 he saw little ground for hoping peace. Yet he voted

¹ Message of Feb. 25, 1808; *Annals of Congress*, 1807-1808, p. 1691.

² *Annals of Congress*, 1807-1808, p. 1901.

for the new regiments only because they were so few; and even in the event of actual war "he could scarcely imagine that he could be induced to admit the expediency of increasing the regular forces to a number much greater than they would be" under the present bill. Clopton was answered by Randolph, who warmly opposed the new army for the same reasons which had led him to oppose the old one. Randolph was followed by George M. Troup of Georgia, — a young man not then so prominent as he was destined to become, who declared that no one had more confidence than he felt in militia; but "it is well known that the present defective system of militia in our quarter of the country at least is good for nothing;" and a small standing army was not dangerous but necessary, because it would preserve peace by preparing for war.¹ Smilie of Pennsylvania added another reason. He argued that John Randolph had favored raising troops in the year 1805 to protect the Southern frontier "from Spanish inroad and insult." Smilie had then opposed the motion and the House had rejected it, but to Smilie the argument that Randolph had once favored an increase of the army, seemed decisive.

A much respected member from South Carolina — David R. Williams, one of Randolph's friends — then took the floor.² He could not bring himself to vote for the bill, because no half-way measure would an-

¹ *Annals of Congress*, 1807-1808, p. 1916.

² *Annals of Congress*, 1807-1808, p. 1922.

swer. War would require not six but sixty thousand men; defensive armies were worse than none, either in war or peace. Williams's argument was so evidently weak that it failed to convince even Macon, who had voted against the twelve regiments in 1798, but meant to change his ground and believed himself able to prove his consistency. In contradiction to the bill itself he maintained that the new army was not a peace establishment; that if it were so he would not vote for it. He condemned the maxim that to preserve peace nations must be prepared for war, and asserted that no analogy existed between 1798 and 1808, for that in 1808 America was attacked by foreign powers, while in 1798 she attacked them.¹

Discordant as these voices were, the debate was the next day enlivened by a discord more entertaining. Richard Stanford of North Carolina, one of the oldest members of the House, a close ally of Randolph, Macon, and Williams, made a speech which troubled the whole body of Southern Republicans.² Stanford voted for the twelve regiments in 1798, but like the majority of Republicans he did so in deference to a party caucus, in order to ward off the danger of a larger force. He said it was the only Federalist vote he ever gave, and he promised his friends never again to be caught in the same mistake. With candor intended to irritate, he arrayed the occasions on

¹ Annals of Congress, 1807-1808, p. 1937.

² Annals of Congress, 1807-1808, p. 1939.

which his party had refused to increase the military establishment: first, in a state of actual hostilities in 1798; again, when Spain defied and insulted the government in 1805; still again, on the brink of a Spanish war during Burr's conspiracy in 1806. He quoted Jefferson's first Inaugural Address, which counted among the essential principles of the government "a well-disciplined militia, our best reliance in peace and for the first moments of war till regulars may relieve them;" and the Annual Message of 1806, which said, "Were armies to be raised whenever a speck of war is visible in our horizon, we never should have been without them; our resources would have been exhausted on dangers which have never happened, instead of being reserved for what is really to take place." He quoted also pungent resolutions of 1798, speeches of Eppes and Wilson Cary Nicholas, of Varnum and Gallatin; he showed the amount of patronage once abolished but restored by this bill; and when at last he sat down, the Southern members were ruffled until even Macon lost his temper.

Soon John Randolph rose again, and if Stanford's speech was exasperating in its candor, Randolph's was stinging in its sarcasm.¹ He treated the new defensive system with ridicule. The Navy Department, he said, had dwindled to a Gunboat Department. Congress built gunboats to protect shipping and coasts, and built forts to protect gunboats. The

¹ *Annals of Congress*, 1807-1808, p. 1959.

army was equally feeble; and both were at odds with the embargo:—

“When the great American tortoise draws in his head you do not see him trotting along; he lies motionless on the ground; it is when the fire is put on his back that he makes the best of his way, and not till then. The system of embargo is one system, withdrawing from every contest, quitting the arena, flying the pit. The system of raising troops and fleets of whatever sort is another and opposite to that dormant state. . . . They are at war with each other, and cannot go on together.”

Even if not inconsistent with the embargo, the army was still useless:—

“My worthy friend from Georgia has said that the tigress, prowling for food for her young, may steal upon you in the night. I would as soon attempt to fence a tiger out of my plantation with a four-railed fence as to fence out the British navy with this force.”

Randolph ventured even to ridicule the State of Virginia which was said to demand an army:—

“My friend and worthy colleague tells us that the State of Virginia, so much opposed to armies, has now got to the war pitch so far as to want one regiment for the defence of half a million of souls and seventy thousand square miles. . . . Yes, sir; the legislature of Virginia, my parent State, of whom I cannot speak with disrespect, nor will I suffer any man worth my resentment to speak of her with disrespect in my hearing, has been carried away by the military mania, and they want one regiment!”

Yet Randolph approved the embargo as little as he liked the army and navy.

“I am not one of those who approve the embargo,” he said in another speech.¹ “It gives up to Great Britain all the seamen and all the commerce, — their feet are not now upon your decks, for your vessels are all riding safely moored along your slips and wharves; and this measure absolutely gives Agriculture a blow which she cannot recover till the embargo is removed. What has become of your fisheries? Some gentleman has introduced a proposition for buying their fish to relieve the fishermen. Indeed, I would much sooner assent to buying their fish than to raising these troops, except indeed we are raising the troops to eat the fish.”

Randolph broke into shrill laughter at his own joke, delighted with the idea of six thousand armed men paid to eat the fish that were rotting on the wharves at Gloucester and Marblehead.

Keenly as Randolph enjoyed the pleasure of ridiculing his colleagues and friends, he could expect to gain no votes. George W. Campbell and the other Administration speakers admitted that the embargo might yield to war and that an army had become necessary. Even Eppes had the courage to defy ridicule, and in full recollection of having vowed to God February 17 that as long as he lived he would vote down a regular army, he rose April 7 to support the bill for raising eight regiments: —

“I consider it as part of the system designed to meet the present crisis in our affairs. . . . The period

¹ Annals of Congress, 1807–1808, p. 2037.

must arrive when the embargo will be a greater evil than war. When that period shall arrive it will be taken off.”¹

On the same day the bill passed by a vote of ninety-five to sixteen, and the Republican party found itself poorer by the loss of one more traditional principle. Events were hurrying the Government toward dangers which the party had believed to be preventable under the system invented by Virginia and Pennsylvania. In 1804 Jefferson wrote to Madison: “It is impossible that France and England should combine to any purpose.”² The impossible had happened, and every practice founded on the theory of mutual jealousy between European Powers became once more a subject of dispute. On the day of Rose’s departure Jefferson, abandoning the secrecy in which until that moment he had wrapped his diplomacy, sent to Congress a mass of diplomatic correspondence with England and France, running back to the year 1804. A few days later, March 30, he sent a secret message accompanied by documents which gave to Congress, with little exception, everything of importance that had passed between the governments. Only one subject was kept back: — the tenebrous negotiation for Florida remained secret.

From these documents Congress could see that the time for talking of theories of peace and friendship or of ordinary commercial interests had passed. Vio-

¹ Annals of Congress, 1807–1808, p. 2049.

² Jefferson to Madison, Aug. 15, 1804; Works, iv. 557.

lence and rapine marked every page of the latest correspondence. February 23 Erskine had at last notified the Government officially of the existence and purpose of the Orders in Council. His note repeated the words of Canning's instructions.¹ After asserting that America had submitted to the French Decrees, and had thereby warranted England in forbidding if she pleased all American commerce with France, Erskine pointed out that the Orders in Council, by not prohibiting but limiting this commerce, gave proof of his Majesty's amicable disposition. The Americans might still transport French and Spanish colonial produce to England, and re-export it to the continent of Europe under certain regulations:—

“The object of these regulations will be the establishment of such a protecting duty as shall prevent the enemy from obtaining the produce of his own colonies at a cheaper rate than that of the colonies of Great Britain. In this duty it is evident that America is no otherwise concerned than as being to make an advance to that amount, for which it is in her power amply to indemnify herself at the expense of the foreign consumer.”

Further, the orders licensed the importation through England into France of all strictly American produce, except cotton, without paying duty in transit:—

“The reason why his Majesty could not feel himself at liberty, consistent with what was necessary for the execution of his purpose in any tolerable degree, to

¹ Erskine to Madison, Feb. 23, 1808; State Papers, iii. 209.

allow this relaxation to apply to cotton is to be found in the great extent to which France has pushed the manufacture of that article, and the consequent embarrassment upon her trade which a heavy import upon cotton as it passes through Great Britain to France must necessarily produce."

Erskine's note claimed credit for England because the orders were not abruptly enforced, but allowed time for neutrals to understand and conform to them. The concluding sentences were intended to soothe the suffering merchants:—

"The right of his Majesty to resort to retaliation cannot be questioned. The suffering occasioned to neutral parties is incidental, and not of his Majesty's seeking. In the exercise of this undoubted right, his Majesty has studiously endeavored to avoid aggravating unnecessarily the inconveniences suffered by the neutral; and I am commanded by his Majesty especially to represent to the Government of the United States the earnest desire of his Majesty to see the commerce of the world restored once more to that freedom which is necessary for its prosperity; and his readiness to abandon the system which has been forced upon him whenever the enemy shall retract the principles which have rendered it necessary."

From this note—a model of smooth-spoken outrage—Congress could understand that until the King of England should make other regulations American commerce was to be treated as subject to the will and interest of Great Britain. At the same moment Congress was obliged to read a

letter from Champagny to Armstrong, dated Jan. 15, 1808, in defence of the Berlin and Milan Decrees.¹ Written in words dictated by Napoleon, this letter asserted rude truths which irritated Americans the more because they could not be denied:—

“The United States, more than any other Power, have to complain of the aggressions of England. It has not been enough for her to offend against the independence of their flag, — nay, against that of their territory and of their inhabitants, — by attacking them even in their ports, by forcibly carrying away their crews; her decrees of the 11th November have made a fresh attack on their commerce and on their navigation as they have done on those of all other Powers.

“In the situation in which England has placed the Continent, especially since her decrees of the 11th November, his Majesty has no doubt of a declaration of war against her by the United States. Whatever transient sacrifices war may occasion, they will not believe it consistent either with their interest or dignity to acknowledge the monstrous principle and the anarchy which that government wishes to establish on the seas. If it be useful and honorable for all nations to cause the true maritime law of nations to be re-established, and to avenge the insults committed by England against every flag, it is indispensable for the United States, who from the extent of their commerce have oftener to complain of those violations. War exists then in fact between England and the United States; and his Majesty con-

¹ Champagny to Armstrong, Jan. 15, 1808; State Papers, iii. 248.

siders it as declared from the day on which England published her decrees.”

Two such letters could hardly have been written to the chief of an independent people and submitted to a free legislature in Europe without producing a convulsion. Patient as Congress was, the temper excited by Champagny's letter obliged the President, April 2, to withdraw the injunction of secrecy after the House had twice rejected a motion to do so without his permission; but the motive of the Federalists in publishing Champagny's letter was not so much to resent it as to divert popular anger from England to France. No outburst of national self-respect followed the appearance of the two letters. During the next week the House debated and passed the bill for raising the army to ten thousand men, but on all sides the friends and opponents of the measure equally deprecated war. The report of a special committee in the Senate, April 16, expressed on that point the general feeling of Congress:¹ —

“With respect to a resort to war as a remedy for the evils experienced, the committee will offer no other reflection than that it is in itself so great an evil that the United States have wisely considered peace and honest neutrality as the best foundation of their general policy. It is not for the committee to say under what degree of aggravated injuries and sufferings a departure from this policy may become a duty, and the most pacific nation find itself compelled to exchange for the calamities of

¹ Annals of Congress, 1807-1808, p. 364.

war the greater distresses of longer forbearance. In the present state of things the committee cannot recommend any departure from that policy which withholds our commercial and agricultural property from the licensed depredations of the great maritime belligerent Powers. They hope that an adherence to this policy will eventually secure to us the blessings of peace without any sacrifice of our national rights; and they have no doubt that it will be supported by all the manly virtue which the good people of the United States have ever discovered on great and patriotic occasions."

The Senate passed a bill authorizing the President during the recess to suspend the embargo in whole or in part if in his judgment the conduct of the belligerent Powers should render suspension safe. After a hot debate, chiefly on the constitutionality of the measure, it passed the House, and April 22 became law. April 25 the session ended.

As the result of six months' labor, Congress could show besides the usual routine legislation a number of Acts which made an epoch in the history of the Republican party. First came the Embargo, its two Supplements, and the Act empowering the President to suspend it at will. Next came the series of appropriation Acts which authorized the President to spend in all four million dollars in excess of the ordinary expenditures, — for gunboats, eight hundred and fifty thousand dollars; for land fortifications, one million; for five new regiments of infantry, one of riflemen, one of light artillery, and one of light dragoons, two

million dollars; and two hundred thousand dollars for arming the militia. Such progress toward energy was more rapid than could have been expected from a party like that which Jefferson had educated and which he still controlled.

CHAPTER X.

“THIS six months’ session has worn me down to a state of almost total incapacity for business,” wrote President Jefferson to his attorney-general.¹ “Congress will certainly rise to-morrow night, and I shall leave this for Monticello on the 5th of May, to be here again on the 8th of June.” More earnestly than ever he longed for repose and good-will. “For myself,” he said,² “I have nothing further to ask of the world than to preserve in retirement so much of their esteem as I may have fairly earned, and to be permitted to pass in tranquillity, in the bosom of my family and friends, the days which yet remain to me.” He could not reasonably ask from the world more than he had already received from it; but a whole year remained, during which he must still meet whatever demand the world should make upon him. He had brought the country to a situation where war was impossible for want of weapons, and peace was only a name for passive war. He was bound to carry the government through the dangers he had braved; and

¹ Jefferson to Rodney, April 24, 1808; Works, v. 275.

² Jefferson to Monroe, March 10, 1808; Works, v. 253.

for the first time in seven years American democracy, struck with sudden fear of failure, looked to him in doubt, and trembled for its hopes.

Fortunately for Jefferson's case, no serious opposition was made in the Republican party to his choice of a successor. Giles and Nicholas, who managed Madison's canvass in Virginia, caused a caucus to be held, January 21, at Richmond, where one hundred and twenty-three members of the State legislature joined in nominating electors for Madison. Randolph's friends held another caucus, at which fifty-seven members of the same legislature joined in nominating electors for Monroe. To support the Virginia movement for Madison, a simultaneous caucus was held at Washington, where, January 20, Senator Bradley of Vermont issued a printed circular inviting the Republican members of both Houses to consult, January 23, respecting the next Presidential election. Bradley's authority was disputed by Monroe's partisans, and only Madison's friends, or indifferent persons, obeyed the call. Eighty-nine senators and members attended; and on balloting, eighty-three votes were given for Madison as President, seventy-nine for George Clinton as Vice-President; but the names of the persons present were never published, and the caucus itself seemed afraid of its own action. About sixty Republican members or senators held aloof. John Randolph and sixteen of his friends published a protest against the caucus and its candidate:—

“We ask for energy, and we are told of his moderation. We ask for talents, and the reply is his unassuming merit. We ask what were his services in the cause of public liberty, and we are directed to the pages of the ‘Federalist,’ written in conjunction with Alexander Hamilton and John Jay, in which the most extravagant of their doctrines are maintained and propagated. We ask for consistency as a Republican, standing forth to stem the torrent of oppression which once threatened to overwhelm the liberties of the country. We ask for that high and honorable sense of duty which would at all times turn with loathing and abhorrence from any compromise with fraud and speculation. We ask in vain.”¹

Jefferson had commanded the warm and undisputed regard of his followers; Madison held no such pre-eminence. “Every able diplomatist is not fit to be President,” said Macon. George Clinton, who had yielded unwillingly to Jefferson, held Madison in contempt. While Monroe set up a Virginia candidacy which the Republicans of Randolph’s school supported, George Clinton set up a candidacy of his own, in New York, supported by Cheetham’s “Watch-Tower,” and by a portion of the country press. Before long, the public was treated to a curious spectacle. The regular party candidate for the Vice-presidency became the open rival of the regular candidate for the Presidency. Clinton’s newspapers attacked Madison without mercy, while Madison’s

¹ Address to the People of the United States, National Intelligencer, March 7, 1808.

friends were electing Clinton as Madison's Vice-president.

In this state of things successful opposition to Madison depended upon the union of his enemies in support of a common candidate. Not only must either Monroe or Clinton retire, but one must be able to transfer his votes to the other; and the whole Federalist party must be induced to accept the choice thus made. The Federalists were not unwilling; but while they waited for the politicians of Virginia and New York to arrange the plan of campaign, they busied themselves with recovering control of New England, where they had been partially driven from power. The embargo offered them almost a certainty of success.

From the first moment of the embargo, even during the secret debate of Dec. 19, 1807, its opponents raised the cry of French influence; and so positively and persistently was Jefferson charged with subservience to Napoleon, that while a single Federalist lived, this doctrine continued to be an article of his creed. In truth, Jefferson had never stood on worse terms with France than when he imposed the embargo. He acted in good faith when he enclosed Armstrong's letter and Regnier's decision in his Embargo Message. Turreau was annoyed at his conduct, thinking it intended to divert public anger from England to France in order to make easier the negotiation with Rose. Instead of dictating Jefferson's course, as the Federalists believed, Turreau was vexed and alarmed

by it. He complained of Armstrong, Madison, and Jefferson himself. The Embargo Message, he said, exposed the Administration in flank to the Federalists, and gave the English envoy free play. "For me it was a useless proof — one proof the more — of the usual awkwardness of the Washington Cabinet, and of its falsity (*fausseté*) in regard to France."¹ His contempt involved equally people, Legislature, and Executive: —

"Faithful organs of the perverse intentions of the American people, its representatives came together before their usual time, in accordance with the President's views, and in their private conversation and in their public deliberations seemed entirely to forget the offences of England, or rather to have been never affected by them. This temper, common to the men of all parties, proved very evidently what was the state of popular opinion in regard to Great Britain, against whom no hostile project will ever enter into an American's thoughts. The Annual Message was not calculated to inspire energy into the honorable Congress. All these political documents from the President's pen are cold and colorless."²

The result of Rose's negotiation confirmed Turreau's disgust: —

"It can be no longer doubtful that the United States, whatever insults they may have to endure, will never make war on Great Britain unless she attacks them.

¹ Turreau to Champagny, May 20, 1808; Archives des Aff. Étr. MSS.

² Turreau to Champagny, May 20, 1808; Archives des Aff. Étr. MSS.

Every day I have been, and still am, met with the objection that the decrees of the French government have changed the disposition of the members of the Executive, and especially of members of Congress. Both have seized this incident as a pretext to color their cowardice (*lâcheté*), and extend it over their system of inaction; since it is evident that however severe the measures of the French government may have been, they weigh light in the balance when set in opposition to all the excesses, all the outrages, that England has permitted herself to inflict on the United States.”¹

During the winter and spring nothing occurred to soothe Turreau's feelings. On the contrary, his irritation was increased by the President's communication to Congress of Champagny's letter of January 15, and by the “inconceivable weakness” which made this letter public:—

“Although I could hardly have calculated on this new shock, which has considerably weakened our political credit in the United States, I well knew that we had lost greatly in the opinion of the Cabinet at Washington and of its chief. After Mr. Rose's departure,—that is to say, about three weeks before the end of the session,—I quitted the city for reasons of health, which were only too well founded. I had seen Mr. Jefferson only a week before I went to take leave of him. Perhaps I should tell your Excellency that I commonly see the President once a week, and always in the evening,—a time when I am sure of finding him at home, and nearly always alone. I

¹ Turreau to Champagny, May 20, 1808; Archives des Aff. Étr. MSS.

never open upon the chapter of politics, because it seems more proper for me to wait for him to begin this subject, and I never wait long. At the interview before the last I found him extremely cool in regard to the interests of Europe and the measures of the Powers coalesced against England. At the last interview he asked me if I had recent news from Europe. I told him — what was true — that I had nothing official since two months. ‘You treat us badly,’ he replied. ‘The governments of Europe do not understand this government here. Even England, whose institutions have most analogy with ours, does not know the character of the American people and the spirit of its Administration,’ etc. I answered that Great Britain having violated the law of nations in regard to every people in succession, the nature and the difference of their institutions mattered little to a Power which had abjured all principles. He interrupted me to say: ‘When severe measures become necessary we shall know how to take them, but we do not want to be dragged into them (*y être entraînés*).’ Although this was directly to the address of the minister of France, I thought best to avoid a retort, and contented myself with observing that generally France gave the example of respect for governments which sustained their dignity, and that the object of the coalition of all the European States against England was to constrain that Power to imitate her. The rest of the conversation was too vague and too insignificant to be worth remembering. Nevertheless, Mr. Jefferson repeated to me what he tells me at nearly every interview, — that he has much love for France.”

Turreau drew the inference “that the federal government intends to-day more than ever to hold an

equal balance between France and England." Erskine saw matters in the same light. Neither the Frenchman nor the Englishman, although most directly interested in the bias of President Jefferson, reported any word or act of his which showed a wish to serve Napoleon's ends.

The interests of the Federalists required them to assert the subservience of Jefferson to France. They did so in the most positive language, without proof, and without attempting to obtain proof. Had this been all, they would have done no worse than their opponents had done before them; but they also used the pretext of Jefferson's devotion to France in order to cover and justify their own devotion to England.

After the failure of Rose, in the month of February, to obtain further concessions from Madison, the British envoy cultivated more closely the friendship of Senator Pickering, and even followed his advice. As early as March 4 he wrote to his Government on the subject,¹—

"It is apprehended, should this Government be desirous that hostilities should take place with England, it will not venture to commence them, but will endeavor to provoke her to strike the first blow. In such a case it would no doubt adopt highly irritating measures. On this head I beg leave, but with great diffidence, to submit the views which I have formed here, and which I find coincide completely with those of the best and most en-

¹ Rose to Canning, March 4, 1808; MSS. British Archives.

lightened men of this country, and who consider her interests as completely identified with those of Great Britain. I conceive it to be of extreme importance in the present state of the public mind in this nation, and especially as operated upon by the embargo, such as I have endeavored to represent it in preceding despatches, to avoid if possible actual warfare, — should it be practicable consistently with the national honor, to do no more than retort upon America any measures of insolence and injury falling short of it which she may adopt. Such a line of conduct would, I am persuaded, render completely null the endeavors exerted to impress upon the public mind here the persuasion of the inveterate rancor with which Great Britain seeks the destruction of America, and would turn their whole animosity, — goaded on, as they would be, by the insults and injuries offered by France, and the self-inflicted annihilation of their own commerce, — against their own Government, and produce an entire change in the politics of the country. A war with Great Britain would, I have no doubt, prove ultimately fatal to this Government; but it is to be feared that the people would necessarily rally round it at the first moment and at the instant of danger; and an exasperation would be produced which it might be found impossible to eradicate for a series of years. Their soundest statesmen express to me the utmost anxiety that their fellow-citizens should be allowed to bear the whole burden of their own follies, and suffer by evils originating with themselves; and they are convinced that the effects of punishment inflicted by their own hands must ere long bring them into co-operation with Great Britain, whilst if inflicted by hers, it must turn them perhaps irrevocably against her."

“The best and most enlightened men of the country,” — who “considered her interests as completely identified with those of Great Britain,” and who thus concerted with Canning a policy intended to bring themselves into power as agents of Spencer Perceval and Lord Castlereagh, — were Senator Pickering and his friends. To effect this coalition with the British ministry Pickering exerted himself to the utmost. Not only by word of mouth, but also by letter, he plied the British envoy with argument and evidence. Although Rose, March 4, wrote to Canning in the very words of the Massachusetts senator, March 13 the senator wrote to Rose repeating his opinion : ¹ —

“You know my solicitude to have peace preserved between the two nations, and I have therefore taken the liberty to express to you my opinion of the true point of policy to be observed by your Government toward the United States, in case your mission prove unsuccessful ; that is, to let us alone ; to bear patiently the wrongs we do ourselves. In one word, amidst the irritations engendered by hatred and folly, to maintain a dignified composure, and to abstain from war, — relying on this, that whatever disposition exists to provoke, there is none to commence a war on the part of the United States.”

To support his views Pickering enclosed a letter from Rufus King. “I also know,” he continued, “that in the present unexampled state of the world

¹ Pickering to Rose, March 13, 1808; *New England Federalism*, p. 366.

our own best citizens consider the interests of the United States to be interwoven with those of Great Britain, and that our safety depends on hers. . . . Of the opinions and reasonings of such men I wish you to be possessed." He held out a confident hope that the embargo would end in an overthrow of the Administration, and that a change in the head of the government would alter its policy "in a manner propitious to the continuance of peace." A few days afterward he placed in Rose's hands two letters from George Cabot. Finally, on the eve of Rose's departure, March 22, he gave the British envoy a letter to Samuel Williams of London. "Let him, if you please, be the medium of whatever epistolary intercourse may take place between you and me."¹

To these advances Rose replied in his usual tone of courteous superiority: —

"I avail myself thankfully of your permission to keep that gentleman's [Rufus King's] letter, which I am sure will carry high authority where I can use it confidentially, and whither it is most important that what I conceive to be right impressions should be conveyed. It is not to you that I need protest that rancorous impressions of jealousy or ill-will have never existed there; but it is to be feared that at some time or another the extremest point of human forbearance may be reached. Yet at the present moment there is, I think, a peculiarity of circumstances most strange indeed, which enables the offended party to leave his antagonist to his own sui-

¹ Pickering to G. H. Rose, March 22, 1808; *New England Federalism*, p. 368.

cial devices, unless, in his contortions under them, he may strike some blow which the other might not be able to dissemble.”¹

No senator of the United States could submit, without some overpowering motive, to such patronage. That Pickering should have invited it was the more startling because he knew better than any other man in America the criminality of his act. Ten years before, at a time when Pickering was himself Secretary of State, the Pennsylvania Quaker, Dr. Logan, attempted, with honest motives, to act as an amateur negotiator between the United States government and that of France. In order to prevent such mischievous follies for the future, Congress, under the inspiration of Pickering, passed a law known as “Logan’s Act,” which still stood on the statute book :² —

“Every citizen of the United States, whether actually resident or abiding within the same, or in any foreign country, who, without the permission or authority of the government, directly or indirectly commences or carries on any verbal or written correspondence or intercourse with any foreign government, or any officer or agent thereof, with an intent to influence the measures or conduct of any foreign government, or of any officer or agent thereof, in relation to any disputes or controversies with the United States, or to defeat the measures of

¹ G. H. Rose to Pickering, March 18, 1808; *New England Federalism*, p. 367.

² Rev. Stat. sec. 5335. Cf. Act of Jan. 30, 1799; *Annals of Congress*, 1797-1799, p. 3795.

the government of the United States ; and every person . . . who counsels, advises, or assists in any such correspondence, with such intent, shall be punished by a fine of not more than five thousand dollars, and by imprisonment during not less than six months, nor more than three years."

When Pickering defied fine and imprisonment under his own law, in order to make a concert of political action with George Canning to keep the British government steady in aggression, he believed that his end justified his means ; and he avowed his end to be the bringing of his friends into power. For this purpose he offered himself to Canning as the instrument for organizing what was in fact a British party in New England, asking in return only the persistence of Great Britain in a line of policy already adopted, which was sure to work against the Republican rule. Pickering knew that his conduct was illegal ; but he had in his hands an excuse which justified him, as he chose to think, in disregarding the law. He persuaded himself that Jefferson was secretly bound by an engagement with Napoleon to effect the ruin of England.

Then came Pickering's master-stroke. The April election—which would decide the political control of Massachusetts for the coming year, and the choice of a senator in the place of J. Q. Adams—was close at hand. February 16, the day when Rose's negotiation broke down, Pickering sent to Governor Sullivan of Massachusetts a letter intended for official commu-

nication to the State legislature.¹ "I may claim some share of attention and credit," he began, — "that share which is due to a man who defies the world to point, in the whole course of a long and public life, at one instance of deception, at a single departure from Truth." He entered into speculations upon the causes which had led Congress to impose the embargo. Omitting mention of the Orders in Council, he showed that the official reasons presented in the President's Embargo Message were not sufficient to justify the measure, and that some secret motive must lie hidden from public view: —

"Has the French Emperor declared that he will have no neutrals? Has he required that our ports, like those of his vassal States in Europe, be shut against British commerce? Is the embargo a substitute, a milder form of compliance, with that harsh demand, which if exhibited in its naked and insulting aspect the American spirit might yet resent? Are we still to be kept profoundly ignorant of the declarations and avowed designs of the French Emperor, although these may strike at our liberty and independence? And in the mean time are we, by a thousand irritations, by cherishing prejudices, and by exciting fresh resentments, to be drawn gradually into a war with Great Britain? Why amid the extreme anxiety of the public mind is it still kept on the rack of fearful expectation by the President's portentous silence respecting his French despatches? In this concealment there is danger. In this concealment must be wrapt up

¹ Letter from the Hon. Timothy Pickering to His Excellency James Sullivan (Boston, 1808).

the real cause of the embargo. On any other supposition it is inexplicable."

Never was Jefferson's sleight-of-hand more dexterously turned against him than in this unscrupulous appeal to his own official language. In all Pickering's voluminous writings this letter stood out alone, stamped by a touch of genius.

"By false policy," he continued, "or by inordinate fears, our country may be betrayed and subjugated to France as surely as by corruption. I trust, sir, that no one who knows me will charge it to vanity when I say that I have some knowledge of public men and of public affairs; and on that knowledge, and with solemnity, I declare to you that I have no confidence in the wisdom or correctness of our public measures; that our country is in imminent danger; that it is essential to the public safety that the blind confidence in our rulers should cease; that the State legislatures should know the facts and the reasons on which important general laws are founded; and especially that those States whose farms are on the ocean and whose harvests are gathered in every sea, should immediately and seriously consider how to preserve them."

To those Federalists leaders who had been acquainted with the plans of 1804, the meaning of this allusion to the commercial States could not be doubtful. Least of all could Pickering's colleague in the Senate, who had so strenuously resisted the disunion scheme, fail to understand the drift of Pickering's leadership. John Quincy Adams, at whose growing influence this letter struck, had been from his earliest recollection,

through his father's experience or his own, closely connected with political interests. During forty years he had been the sport of public turbulence, and for forty years he was yet to undergo every vicissitude of political failure and success; but in the range of his chequered life he was subjected to no other trial so severe as that which Pickering forced him to meet. In the path of duty he might doubtless face social and political ostracism, even in a town such as Boston then was, and defy it. Men as good as he had done as much, in many times and places; but to do this in support of a President whom he disliked and distrusted, for the sake of a policy in which he had no faith, was enough to shatter a character of iron. Fortunately for him, his temper was not one to seek relief in half-way measures. He had made a mistake in voting for an embargo without limit of time; but since no measure of resistance to Europe more vigorous than the embargo could gain support from either party, he accepted and defended it. He attended the Republican caucus January 23, and voted for George Clinton as President; and when Pickering flung down his challenge in the letter of February 16, Adams instantly took it up.

Governor Sullivan naturally declined to convey Senator Pickering's letter to the Legislature; but a copy had been sent to George Cabot, who caused it, March 9, to be published. The effect was violent. Passion took the place of reason, and swept the Federalists into Pickering's path. Governor Sullivan

published a vigorous reply, but lost his temper in doing so, and became abusive where he should have been cool.¹ When Pickering's letter was received at Washington, Adams wrote an answer,² which reached Boston barely in time to be read before the election. He went over the history of the embargo; pointed out its relation to the Orders in Council; recapitulated the long list of English outrages; turned fiercely upon the British infatuation of Pickering's friends, and called upon them to make their choice between embargo and war:—

“ If any statesman can point out another alternative I am ready to hear him, and for any practicable expedient to lend him every possible assistance. But let not that expedient be submission to trade under British licenses and British taxation. We are told that even under these restrictions we may yet trade to the British dominions, to Africa and China, and with the colonies of France, Spain, and Holland. I ask not how much of this trade would be left when our intercourse with the whole continent of Europe being cut off would leave us no means of purchase and no market for sale. I ask not what trade we could enjoy with the colonies of nations with which we should be at war. I ask not how long Britain would leave open to us avenues of trade which even in these very Orders of Council she boasts of leaving open as a special indulgence. If we yield the principle, we abandon all pretence to national sovereignty.”

¹ Interesting Correspondence (Boston, 1808).

² Letter to the Hon. Harrison Gray Otis, by John Quincy Adams (Boston, 1808).

Thus the issue between a British and American party was sharply drawn. Governor Sullivan charged Pickering with an attempt to excite sedition and rebellion, and to bring about a dissolution of government. Adams made no mention of his colleague's name. In Massachusetts the modern canvass was unknown; newspapers and pamphlets took the place of speeches; the pulpit and tavern bar were the only hustings; and the public opinions of men in high official or social standing weighed heavily. The letters of Pickering, Sullivan, and Adams penetrated every part of the State, and on the issues raised by them the voters made their choice.

The result showed that Pickering's calculation on the embargo was sound. He failed to overthrow Governor Sullivan, who won his re-election by a majority of some twelve hundred in a total vote of about eighty-one thousand; but the Federalists gained in the new Legislature a decided majority, which immediately elected James Lloyd to succeed J. Q. Adams in the Senate, and adopted resolutions condemning the embargo. Adams instantly resigned his seat. The Legislature chose Lloyd to complete the unfinished term.

Thus the great State of Massachusetts fell back into Federalism. All, and more than all, that Jefferson's painful labors had gained, his embargo in a few weeks wasted. Had the evil stopped there no harm need have been feared; but the reaction went far beyond that point. The Federalists of 1801 were the

national party of America; the Federalists of 1808 were a British faction in secret league with George Canning.

The British government watched closely these events. Rose's offensive and defensive alliance with Timothy Pickering and with the Washington representatives of the Essex Junto was not the only tie between Westminster and Boston. Of all British officials, the one most directly interested in American politics was Sir James Craig, then Governor of Lower Canada, who resided at Quebec, and had the strongest reason to guard against attack from the United States. In February, 1808, when the question of peace or war seemed hanging on the fate of Rose's mission, Sir James Craig was told by his secretary, H. W. Ryland, that an Englishman about to visit New England from Montreal would write back letters as he went, which might give valuable hints in regard to the probable conduct of the American government and people. The man's name was John Henry; and in reporting his letters to Lord Castlereagh as they arrived, Sir James Craig spoke highly of the writer:—

“Mr. Henry is a gentleman of considerable ability, and, I believe, well able to form a correct judgment on what he sees passing. He resided for some time in the United States, and is well acquainted with some of the leading people of Boston, to which place he was called very suddenly from Montreal, where he at present lives, by the intelligence he received that his agent there was

among the sufferers by the recent measures of the American government. He has not the most distant idea that I should make this use of his correspondence, which therefore can certainly have no other view than that of an unreserved communication with his friend who is my secretary.”¹

Sir James Craig had something to learn in regard to volunteer diplomatists of Henry’s type; but being in no way responsible for the man, he read the letters which came addressed to Ryland, but which were evidently meant for the Governor of Canada, and proved to be worth his reading. The first was written March 2, from Swanton in Vermont, ten miles from the Canada border:—

“You will have learned that Congress has passed a law prohibiting the transport of any American produce to Canada, and the collector at this frontier post expects by this day’s mail instructions to carry it into rigorous execution. The sensibility excited by this measure among the inhabitants in the northern part of Vermont is inconceivable. The roads are covered with sleighs, and the whole country seems employed in conveying their produce beyond the line of separation. The clamor against the Government—and this measure particularly—is such that you may expect to hear of an engagement between the officers of government and the sovereign people on the first effort to stop the introduction of that vast quantity of lumber and produce which is prepared for the Montreal market.”

¹ Sir J. H. Craig to Lord Castlereagh, April 10, 1808; MSS. British Archives.

From Windsor in Vermont, March 6, Henry wrote again, announcing that the best-informed people believed war to be inevitable between the United States and England. From Windsor Henry went on to Boston, where he found himself at home. Acquainted with the best people, and admitted freely into society,¹ he heard all that was said. March 10, when he had been not more than a day or two in Boston, he wrote to Ryland, enclosing a Boston newspaper of the same morning, in which Senator Pickering's letter to Governor Sullivan appeared and the approaching departure of Rose was announced. Already he professed to be well-advised of what was passing in private Federalist councils.

“The men of talents, property, and influence in Boston are resolved to adopt without delay every expedient to avert the impending calamity, and to express their determination not to be at war with Great Britain in such a manner as to indicate resistance to the government in the last resort. . . . Very active, though secret, measures are taken to rouse the people from the lethargy which if long continued must end in their subjection to the modern Attila.”

March 18 Henry wrote again, announcing that the fear of war had vanished, and that Jefferson meant to depend upon his embargo and a system of irritation:—

“It is, however, to be expected that the evil will produce its own cure, and that in a few months more of

¹ Quincy's *Life of Josiah Quincy*, p. 250.

suffering and privation of all the benefits of commerce the people of the New England States will be ready to withdraw from the confederacy, establish a separate government, and adopt a policy congenial with their interests and happiness. For a measure of this sort the men of talents and property are now ready, and only wait until the continued distress of the multitude shall make them acquainted with the source of their misery, and point out an efficient remedy.”

These letters, immediately on their receipt at Quebec, were enclosed by Sir James Craig to Lord Castlereagh in a letter marked “Private,” dated April 10, and sent by the Halifax mail, as the quickest mode of conveyance.¹ Meanwhile Henry completed his business in Boston and returned to Montreal, where he arrived April 11, and three days afterward wrote again to Ryland at Quebec:—

“I attended a private meeting of several of the principal characters in Boston, where the questions of *immediate* and *ultimate* necessity were discussed. In the first, all agreed that memorials from all the towns (beginning with Boston) should be immediately transmitted to the Administration, and a firm determination expressed that they will not co-operate in a war against England. I distributed several copies of a memorial to that effect in some of the towns in Vermont on my return. The measure of ultimate necessity which I suggested I found in Boston some unwillingness to consider. It was ‘that in case of a declaration of war the State of Massachu-

¹ Sir James Craig to Lord Castlereagh, April 10, 1808; MSS. British Archives, Lower Canada, vol. cvii.

setts should treat separately for itself, and obtain from Great Britain a guaranty of its integrity.' Although it was not deemed necessary to decide on a measure of this sort at this moment, it was considered as a very probable step in the last resort. In fine, every man whose opinion I could ascertain was opposed to a war, and attached to the cause of England."

That Henry reported with reasonable truth the general character of Federalist conversation was proved by the nearly simultaneous letters of Pickering to Rose ; but his activity did not stop there. In a final letter of April 25 he gave a more precise account of the measures to be taken : —

"In my last I omitted to mention to you that among the details of the plan for averting from the Northern States the miseries of French alliance and friendship, individuals are selected in the several towns on the seaboard and throughout the country to correspond and act in concert with the superintending committee at Boston. The benefits of any organized plan over the distinct and desultory exertions of individuals are, I think, very apparent. Whether this confederacy of the men of talents and property be regarded as a diversion of the power of the nation, as an efficient means of resistance to the general government in the event of a war, or the nucleus of an English party that will soon be formidable enough to negotiate for the friendship of Great Britain, it is in all respects very important ; and I have well-founded reason to hope that a few months more of suffering and the suspension of everything collateral to commerce will reconcile the multitude to any men and any system which will promise them relief."

May 5 the second part of Henry's correspondence was forwarded by Sir James Craig to Lord Castle-reagh, who could compare its statements with those of Pickering, and with the reports of Rose. The alliance between the New England Federalists and the British Tories was made. Nothing remained but to concentrate against Jefferson the forces at their command.

CHAPTER XI.

THE embargo had lasted less than four months, when April 19 the President at Washington was obliged to issue a proclamation announcing that on Lake Champlain and in the adjacent country persons were combined for the purpose of forming insurrections against the laws, and that the military power of the government must aid in quelling such insurrections.¹ Immense rafts of lumber were collecting near the boundary line; and report said that one such raft, near half a mile long, carried a ball-proof fort, and was manned by five or six hundred armed men prepared to defy the custom-house officers. This raft was said to contain the surplus produce of Vermont for a year past, — wheat, potash, pork, and beef, — and to be worth upward of three hundred thousand dollars.² The governor of Vermont ordered out a detachment of militia to stop this traffic, and the governor of New York ordered another detachment to co-operate with that of Vermont. May 8 rumors of a battle were afloat, and of forty men killed or

¹ Proclamation of April 19, 1808; *Annals of Congress*, 1808-1809, p. 580.

² *New York Evening Post*, May, 1808

wounded.¹ The stories were untrue, but the rafts escaped, the customs officials not venturing to stop them.

Reports of this open defiance and insurrection on the Canada frontier reached Washington at the same time with other reports which revealed endless annoyances elsewhere. If the embargo was to coerce England or France, it must stop supplies to the West Indian colonies, and prevent the escape of cotton or corn for the artisans of Europe. The embargo aimed at driving England to desperation, but not at famishing America; yet the President found himself at a loss to do the one without doing the other. Nearly all commerce between the States was by coasting-vessels. If the coasting-trade should be left undisturbed, every schooner that sailed from an American port was sure to allege that by stress of weather or by the accidents of navigation it had been obliged to stop at some port of Nova Scotia or the West Indies, and there to leave its cargo. Only the absolute prohibition of the coasting-trade could prevent these evasions; but to prohibit the coasting-trade was to sever the Union. The political tie might remain, but no other connection could survive. Without the coasting-trade New England would be deprived of bread, and her industries would perish; Charleston and New Orleans would stagnate in unapproachable solitude.

Jefferson proclaimed the existence of an insur-

¹ National Intelligencer, May 23, 1808

rection on the Canadian frontier shortly before the adjournment of Congress. Immediately after the adjournment he took in hand the more serious difficulties of the coasting-trade. The experiment of peaceable coercion was at last to have full trial, and Jefferson turned to the task with energy that seemed to his friends excessive, but expressed the vital interest he felt in the success of a theory on which his credit as a statesman depended. The crisis was peculiarly his own; and he assumed the responsibility for every detail of its management.

May 6 the President wrote to Gallatin a letter containing general directions to detain in port every coasting-vessel which could be regarded as suspicious. His orders were sweeping. The power of the embargo as a coercive weapon was to be learned.

“In the outset of the business of detentions,” said the President,¹ “I think it impossible to form precise rules. After a number of cases shall have arisen, they may probably be thrown into groups and subjected to rules. The great leading object of the Legislature was, and ours in execution of it ought to be, to give complete effect to the embargo laws. They have bidden agriculture, commerce, navigation to bow before that object, — to be nothing when in competition with that. Finding all their endeavors at general rules to be evaded, they finally gave us the power of detention as the panacea; and I am clear we ought to use it freely, that we may by a fair experiment know the power of this great weapon, the embargo.”

¹ Jefferson to Gallatin, May 6, 1808; Works, v. 287.

A few days later Jefferson repeated the warning in stronger language: "I place immense value in the experiment being fully made, how far an embargo may be an effectual weapon in future as well as on this occasion."¹

"Where you are doubtful," continued the instructions to Gallatin, "consider me as voting for detention;" and every coasting-vessel was an object of doubt. On the same day with the letter of May 6 to the Secretary of the Treasury, the President wrote a circular to the governors of New Hampshire, Massachusetts, South Carolina, Georgia, and Orleans,—portions of the Union which consumed more wheat than they produced,—requesting them to issue certificates for such quantities of flour as were likely to be needed beyond their local supply. The certificates, directed to the collector of some port usually exporting flour, were to be issued to "any merchant in whom you have confidence."² All other shipments of produce were objects of suspicion. "I really think," wrote the President to Gallatin, "it would be well to recommend to every collector to consider every shipment of provisions, lumber, flaxseed, tar, cotton, tobacco, etc.,—enumerating the articles,—as sufficiently suspicious for detention and reference here." He framed new instructions to the governors

¹ Jefferson to the Secretary of the Treasury, May 15, 1808; Works, v. 289.

² Jefferson to the Governors of Orleans, etc., May 6, 1808; Works, v. 285.

on this idea: "We find it necessary to consider every vessel as suspicious which has on board any articles of domestic produce in demand at foreign markets, and most especially provisions."¹

Gallatin, having early declared his want of faith in the embargo as a coercive measure, was the more bound to prove that his private opinion did not prevent him from giving full trial to the experiment which Executive and Legislature had ordered him to make. He set himself resolutely to the unpleasant task. Instead of following the President's plan of indiscriminate suspicion and detention, he preferred to limit the suspicious cargo in value, so that no vessel could carry provisions to the amount of more than one-eighth of the bond; but before he could put his system in force, new annoyances arose. Governor Sullivan of Massachusetts, under the President's circular, issued certificates before July 15 to the amount of fifty thousand barrels of flour and one hundred thousand bushels of corn, besides rice and rye. Gallatin complained to the President,² who instantly wrote to the governor of Massachusetts an order to stop importing provisions:—

"As these supplies, although called for within the space of two months, will undoubtedly furnish the consumption of your State for a much longer time, I have

¹ Jefferson to Gallatin, May 16, 1808; Gallatin's Writings, i. 389.

² Gallatin to Jefferson, July 15, 1808; Gallatin's Writings, i. 394.

thought advisable to ask the favor of your Excellency, after the receipt of this letter, to discontinue issuing any other certificates, that we may not unnecessarily administer facilities to the evasion of the embargo laws.”¹

That Massachusetts already on the brink of rebellion should tolerate such dictation could hardly be expected; and it was fortunate for Jefferson that the Federalists had failed to elect a governor of their own stripe. Even Sullivan, Democrat as he was, could not obey the President's request, and excused his disobedience in a letter which was intended to convince Jefferson that the people of Massachusetts were the best judges of the amount of food they needed.

“The seaport towns,” Sullivan wrote,² “are supported almost entirely by bread from the Southern and Middle States. The interior of this State live on a mixture of Indian corn and rye in common regimen, but their fine bread and pastry depend on the importations from the southward, carted into the interior. The country towns consume more imported flour than is equivalent for all the grain they carry to market in the seaport towns. Their hogs and poultry consume much Indian corn. The rice imported here from the southward, since the Embargo Act, has been very inconsiderable. The Indian corn is in greater quantities, but that would not find a market in the British or French dominions if there was no embargo. This is an article of great demand here,

¹ Jefferson to Sullivan, July 16, 1808; Works, v. 317.

² Sullivan to Jefferson, July 23, 1808; Jefferson MSS.

not as bread, but as sustenance for carriage-horses, draft-horses, etc., and the quantity consumed is really astonishing."

Sullivan admitted that the habits of the Massachusetts people, contracted under the royal government and still continued, led to the evasion of commercial laws; but he told the President what would be the result of an arbitrary interference with their supplies of food:—

"You may depend upon it that three weeks after these certificates shall be refused, an artificial and actual scarcity will involve this State in mobs, riots, and convulsions, pretendedly on account of the embargo. Your enemies will have an additional triumph, and your friends suffer new mortifications."¹

Governor Sullivan was a man of ability and courage. Popular and successful, he had broken the long sway of Federalism in Massachusetts, and within a few months had carried his re-election against the utmost exertions of the Essex Junto; but he had seen John Quincy Adams fall a sacrifice to the embargo, and he had no wish to be himself the next victim of Jefferson's theories. His situation was most difficult, and he warned the President that the embargo was making it worse:—

"The embargo has been popular with what is denominated the Republican part of the State; but as it does not appear from anything that has taken place in the European Powers that it has had the expected effect

¹ Sullivan to Jefferson, July 21, 1808; Jefferson MSS.

there, it has begun to lose its support from the public opinion. . . . There are judicious men in this State who are friends to the present Administration, and who have been in favor of the embargo as a measure of expedience which ought to have been adopted by the government, but who now express great doubts as to the power of enforcing it much longer under present circumstances. They do not perceive any of the effects from it that the nation expected; they do not perceive foreign Powers influenced by it, as they anticipated. They are convinced, as they say, that the people of this State must soon be reduced to suffering and poverty. . . . These men consider the embargo as operating very forcibly to the subversion of the Republican interest here. Should the measure be much longer continued, and then fail of producing any important public good, I imagine it will be a decisive blow against the Republican interest now supported in this Commonwealth.”¹

Jefferson resented Sullivan's conduct. A few days afterward he wrote to General Dearborn, the Secretary of War, who was then in Maine, warning him to be ready to support the measure which Sullivan had declined to adopt.

“Yours of July 27 is received,” Jefferson said.² “It confirms the accounts we receive from others that the infractions of the embargo in Maine and Massachusetts are open. I have removed Pope, of New Bedford, for worse than negligence. The collector of Sullivan is on the totter. The Tories of Boston openly threaten insurrection if their importation of flour is stopped. The next

¹ Sullivan to Jefferson, July 23, 1808; Jefferson MSS.

² Jefferson to Lincoln, Aug. 9, 1808; Works, v. 334.

post will stop it. I fear your Governor [Sullivan] is not up to the tone of these parricides, and I hope on the first symptom of an open opposition of the law by force you will fly to the scene, and aid in suppressing any commotion."

Blood was soon shed, but Jefferson did not shrink. The new army was stationed along the Canada frontier. The gunboats and frigates patrolled the coast. On every side dangers and difficulties accumulated. "I did not expect a crop of so sudden and rank growth of fraud and open opposition by force could have grown up in the United States."¹ At Newburyport an armed mob on the wharf prevented the custom-house officers from detaining a vessel about to sail. The collectors and other officers were ill-disposed, or were harassed by suits at law for illegal detentions. Rebellion and disunion stared Jefferson in the face, but only caused him to challenge an outbreak and to invite violence.

"That the Federalists may attempt insurrection is possible," he wrote to Gallatin,² "and also that the governor would sink before it; but the Republican part of the State, and that portion of the Federalists who approve the embargo in their judgments, and at any rate would not court mob law, would crush it in embryo. I have some time ago written to General Dearborn to be on the alert on such an occasion, and to take direction of the public authority on the spot. Such an incident will rally the whole body of Republicans of every

¹ Jefferson to Gallatin, Aug. 11, 1808; Works, v. 336.

² Jefferson to Gallatin, Aug. 19, 1808; Works, v. 346.

shade to a single point, — that of supporting the public authority.”

The Federalists knew when to rebel. Jefferson could teach them little on that subject. They meant first to overthrow Jefferson himself, and were in a fair way to gratify their wish; for the people of New England — Republican and Federalist alike — were rapidly rallying to common hatred of the President. As winter approached, the struggle between Jefferson and Massachusetts became on both sides vindictive. He put whole communities under his ban. He stopped the voyage of every vessel “in which any person is concerned, either in interest or in navigating her, who has ever been concerned in interest or in the navigation of a vessel which has at any time before entered a foreign port contrary to the views of the embargo laws, and under any pretended distress or duress whatever.”¹ When a permit was asked for the schooner “Caroline,” of Buckstown on the Penobscot, Jefferson replied, —

“This is the first time that the character of the place has been brought under consideration as an objection. Yet a general disobedience to the laws in any place must have weight toward refusing to give them any facilities to evade. In such a case we may fairly require positive proof that the individual of a town tainted with a general spirit of disobedience has never said or done anything himself to countenance that spirit.”²

¹ Jefferson to Gallatin, Dec. 7, 1808; Works, v. 396.

² Jefferson to Gallatin, Nov. 13, 1808; Works, v. 386.

Jefferson went still further in his reply to a petition from the island of Nantucket for food. "Our opinion here is that that place has been so deeply concerned in smuggling, that if it wants it is because it has illegally sent away what it ought to have retained for its own consumption."¹

Of all the old Republican arguments for a policy of peace, the commonest was that a standing army would be dangerous, not to foreign enemies, but to popular liberties; yet the first use of the new army and gunboats was against fellow-citizens. New England was chiefly controlled by the navy; but in New York the army was needed and was employed. Open insurrection existed there. Besides forcible resistance offered to the law, no one was ignorant that the collectors shut their eyes to smuggling, and that juries, in defiance of court and President, refused to indict rioters. Governor Tompkins announced that Oswego was in active insurrection, and called on the President to issue a proclamation to that effect.² Jefferson replied by offering to take into the United States service the militia required to suppress the riots, and begged Governor Tompkins to lead his troops in person. "I think it so important in example to crush these audacious proceedings and to make the offenders feel the consequences of individuals daring to oppose a law by

¹ Jefferson to Levi Lincoln, Nov. 13, 1808; Works, v. 387.

² Gallatin to Jefferson, July 29, 1808; Gallatin's Writings, i, 396.

force, that no effort should be spared to compass this object.”¹

When permission was asked to establish a packet on Lake Champlain, “I do not think this is a time,” replied Jefferson, “for opening new channels of intercourse with Canada and multiplying the means of smuggling.”² The people who lived on the shores of Lake Champlain might object to such interference in their affairs, but could not deny the force of Jefferson’s reasoning. Another application of a different kind was rejected on grounds that seemed to give to the President general supervision over the diet of the people : —

“The declaration of the bakers of New York that their citizens will be dissatisfied, under the present circumstances of their country, to eat bread of the flour of their own State, is equally a libel on the produce and citizens of the State. . . . If this prevails, the next application will be for vessels to go to New York for the pippins of that State, because they are higher flavored than the same species of apples growing in other States.”³

The same sumptuary rule applied to Louisiana. “You know I have been averse to letting Atlantic flour go to New Orleans merely that they may have the *whitest* bread possible.”⁴

¹ Jefferson to Governor Tompkins, Aug. 15, 1808 ; Works, v. 343.

² Jefferson to the Secretary of the Treasury, Sept. 9, 1808 ; Works, v. 363.

³ Jefferson to Gallatin, July 12, 1808 ; Works, v. 307.

⁴ Jefferson to Gallatin, Sept. 9, 1808 ; Works, v. 363.

The President seemed alone to feel this passionate earnestness on behalf of the embargo. His Cabinet looked on with alarm and disgust. Madison took no share in the task of enforcement. Robert Smith sent frigates and gunboats hither and thither, but made no concealment of his feelings. "Most fervently," he wrote to Gallatin, "ought we to pray to be relieved from the various embarrassments of this said embargo. Upon it there will in some of the States, in the course of the next two months, assuredly be engendered monsters. Would that we could be placed on proper ground for calling in this mischief-making busy-body."¹ Smith talked freely, while Gallatin, whose opinion was probably the same, said little, and labored to carry out the law, but seemed at times disposed to press on the President's attention the deformities of his favorite monster.

"I am perfectly satisfied," wrote Gallatin to the President July 29,² "that if the embargo must be persisted in any longer, two principles must necessarily be adopted in order to make it sufficient: First, that not a single vessel shall be permitted to move without the special permission of the Executive; Second, that the collectors be invested with the general power of seizing property anywhere, and taking the rudders, or otherwise effectually preventing the departure of any vessel in harbor, though ostensibly intended to remain there, — and that

¹ Smith to Gallatin, Aug. 1, 1808; Adams's Gallatin, p. 373.

² Gallatin to Jefferson, July 19, 1808; Gallatin's Writings, i. 396.

without being liable to personal suits. I am sensible that such arbitrary powers are equally dangerous and odious ; but a restrictive measure of the nature of the embargo, applied to a nation under such circumstances as the United States, cannot be enforced without the assistance of means as strong as the measure itself. To that legal authority to prevent, seize, and detain, must be added a sufficient physical force to carry it into effect ; and although I believe that in our seaports little difficulty would be encountered, we must have a little army along the Lakes and British lines generally. . . . That in the present situation of the world every effort should be attempted to preserve the peace of this nation, cannot be doubted ; but if the criminal party-rage of Federalists and Tories shall have so far succeeded as to defeat our endeavors to obtain that object by the only measure that could possibly have effected it, we must submit and prepare for war.”

“I mean generally to express an opinion,” continued the secretary, “founded on the experience of this summer, that Congress must either invest the Executive with the most arbitrary powers and sufficient force to carry the embargo into effect, or give it up altogether.” That Jefferson should permit a member of his Cabinet to suggest the assumption of “the most arbitrary powers ;” that he should tolerate the idea of using means “equally dangerous and odious,” — seemed incredible ; but his reply showed no sign of offence. He instantly responded, —

“I am satisfied with you that if Orders and Decrees are not repealed, and a continuance of the embargo is

preferred to war (which sentiment is universal here), Congress must legalize all means which may be necessary to obtain its end.”¹

If repeated and menacing warnings from the people, the State authorities, and officers of the national government failed to produce an impression on the President's mind, he was little likely to regard what came from the Judiciary; yet the sharpest of his irritations was caused by a judge whom he had himself, in 1804, placed on the Supreme Bench to counteract Marshall's influence. Some merchants of Charleston, with consent of the collector and district-attorney, applied for a mandamus to oblige the collector of that town to clear certain ships for Baltimore. The collector admitted that he believed the voyage to be intended in good faith, and that under the Embargo Law he had no right of detention; but he laid Secretary Gallatin's instructions before the court. The case was submitted without argument, and Justice William Johnson, of the South Carolina circuit,—a native of South Carolina, and a warm friend of the President,—decided that the Act of Congress did not warrant detention, and that without the sanction of law the collector was not justified by instructions from the Executive in increasing the restraints upon commerce. The mandamus issued.

These proceedings troubled but did not check the President. “I saw them with great concern,” he

¹ Jefferson to Gallatin, Aug. 11, 1808; Works, v. 336.

wrote to the governor of South Carolina,¹ "because of the quarter from whence they came, and where they could not be ascribed to any political waywardness." Rodney, the attorney-general, undertook to overrule Justice Johnson's law, and wrote, under the President's instructions, an official opinion that the court had no power to issue a mandamus in such a case. This opinion was published in the newspapers at the end of July, "an act unprecedented in the history of executive conduct," which in a manner forced Justice Johnson into a newspaper controversy. The Judge's defence of his course was temperate and apparently convincing to himself, although five years afterward he delivered an opinion² of the whole Supreme Court in a similar case, "unquestionably inconsistent" with his embargo decision, which he then placed on technical ground. He never regained Jefferson's confidence; and so effective was the ban that in the following month of December the Georgia grand-jury, in his own circuit, made him the object of a presentment for "improper interference with the Executive."

If the conduct of Justice Johnson only stimulated the President's exercise of power, the constitutional arguments of Federalist lawyers and judges were unlikely to have any better effect; yet to a Virginia Republican of 1798 no question could have deeper

¹ Jefferson to Governor Pinckney, July 18, 1808; Works, v. 322.

² *McIntyre v. Wood*, March, 1813; 7 Cranch, p. 501.

interest than that of the constitutionality of the embargo. The subject had already been discussed in Congress, and had called out a difference of opinion. There, Randolph argued against the constitutionality in a speech never reported, which turned on the distinction between regulating commerce and destroying it; between a restriction limited in time and scope, and an interdict absolute and permanent. The opponents of the embargo system, both Federalists and Republicans, took the same ground. The Constitution, they said, empowered Congress "to *regulate* commerce with foreign nations, and among the several States, and with the Indian tribes;" but no one ever supposed it to grant Congress the power "to *prohibit* commerce with foreign nations, and among the several States, and with the Indian tribes." Had such words been employed, the Constitution could not have gained the vote of a single State.

History has nothing to do with law except to record the development of legal principles. The question whether the embargo was or was not Constitutional depended for an answer on the decision of Congress, President, and Judiciary, and the assent of the States. Whatever unanimous decision these political bodies might make, no matter how extravagant, was law until it should be reversed. No theory could control the meaning of the Constitution; but the relation between facts and theories was a political matter, and between the embargo and the old Virginia theory of the Constitution no relation could

be imagined. Whatever else was doubtful, no one could doubt that under the doctrine of States-rights and the rules of strict construction the embargo was unconstitutional. Only by the widest theories of liberal construction could its constitutionality be sustained.

The arguments in its favor were arguments which had been once regarded as fatal to public liberty. The first was made by Richard M. Johnson of Kentucky: "If we have power to lay an embargo for one day, have we not the power to renew it at the end of that day? If for sixty days, have we not the power to renew it again? Would it not amount to the same thing? If we pass a law to expire within a limited term, we may renew it at the end of that term; and there is no difference between a power to do this, and a power to pass laws without specified limit."¹ This principle, if sound, might be applied to the right of habeas corpus or of free speech, to the protection of American manufactures or to the issue of paper money as a legal tender; and whenever such application should be made, the Union must submit to take its chance of the consequences sure to follow the removal of specified limits to power. Another argument was used by David R. Williams, a representative South Carolinian. "The embargo is not an annihilation but a suspension of commerce," he urged,² "to regain the advantages of which it has

¹ Annals of Congress, 1807-1808, p. 2091.

² Annals of Congress, 1807-1808, p. 2130.

been robbed." If Congress had the right to regulate commerce for such a purpose in 1808, South Carolina seemed to have no excuse for questioning, twenty years later, the constitutionality of a protective system. Still another argument was used by George W. Campbell of Tennessee.

"A limited embargo," he said,¹ "can only mean an embargo that is to terminate at some given time; and the length of time, if a hundred years, will not change the character of the embargo, — it is still limited. If it be constitutional to lay it for one day, it must be equally so to lay it for ten days or a hundred days or as many years, — it would still be a limited embargo; and no one will, I presume, deny that an embargo laid for such a length of time, and one laid without limitation, would in reality and to all practical purposes be the same."

This reasoning was supported by an immense majority in both Houses of Congress; was accepted as sound by the Executive, and roused no protest from the legislature of any Southern State. So far as concerned all these high political authorities, the principle was thus settled that the Constitution, under the power to regulate commerce, conferred upon Congress the power to suspend foreign commerce forever; to suspend or otherwise regulate domestic and inter-state commerce; to subject all industry to governmental control, if such interference in the opinion of Congress was necessary or

¹ Annals of Congress, p. 2147.

proper for carrying out its purpose; and finally, to vest in the President discretionary power to execute or to suspend the system, in whole or in part.

The Judiciary had still to be consulted. In the September Term, 1808, an embargo case was argued at Salem before John Davis, judge of the District Court for Massachusetts; and Samuel Dexter, the ablest lawyer in New England, urged the constitutional objections to the embargo with all the force that ability and conviction could give. No sounder Federalist than Judge Davis sat on the bench; but although the newspapers of his party were declaiming against the constitutionality of the law, and although Chief-Justice Parsons, of the Massachusetts Supreme Court, the most eminent legal authority in the State, lent his private influence on the same side, Judge Davis calmly laid down the old Federalist rule of broad construction. His opinion, elaborately argued and illustrated, was printed in every newspaper.

“Stress has been laid in argument,” he said, “on the word ‘regulate,’ as implying in itself a limitation. Power to ‘regulate,’ it is said, cannot be understood to give a power to annihilate. To this it may be replied that the Acts under consideration, though of very ample extent, do not operate as a prohibition of all foreign commerce. It will be admitted that partial prohibitions are authorized by the expression; and how shall the degree or extent of the prohibition be adjusted but by the discretion of the national government, to whom the subject appears to be committed.”

In the Federalist spirit the Judge invoked the "necessary and proper" clause, which had been the cloak for every assumption of doubtful powers; and then passed to the doctrine of "inherent sovereignty," the radical line of division between the party of President Washington and that of President Jefferson:—

"Further, the power to regulate commerce is not to be confined to the adoption of measures exclusively beneficial to commerce itself, or tending to its advancement; but in our national system, as in all modern sovereignties, it is also to be considered as an instrument for other purposes of general policy and interest. The mode of its management is a consideration of great delicacy and importance; but the national right or power to adapt regulations of commerce to other purposes than the mere advancement of commerce appears to me unquestionable."

After drawing these conclusions from the power to regulate commerce, the Judge went a step further, and summoned to his aid the spirits which haunted the dreams of every true Republican,—the power of war, and necessity of State:—

"Congress has power to declare war. It of course has power to prepare for war; and the time, the manner, and the measure, in the application of constitutional means, seem to be left to its wisdom and discretion. Foreign intercourse becomes in such times a subject of peculiar interest, and its regulation forms an obvious and essential branch of federal administration. . . . It seems to have been admitted in the argument

that State necessity might justify a limited embargo, or suspension of all foreign commerce; but if Congress have the power, for purposes of safety, of preparation, or counteraction, to suspend commercial intercourse with foreign nations, where do we find them limited as to the duration more than as to the manner and extent of the measure?"

Against this remarkable decision Dexter did not venture to appeal. Strong as his own convictions were, he knew the character of Chief-Justice Marshall's law too well to hope for success at Washington. One of Marshall's earliest constitutional decisions had deduced from the power of Congress to pay debts the right for government to assume a preference over all other creditors in satisfying its claims on the assets of a bankrupt.¹ Constructive power could hardly go further; and the habit of mind which led to such a conclusion would hardly shrink from sustaining Judge Davis's law.

Yet the embargo, in spite of Executive, Legislative, Judicial, and State authorities, rankled in the side of the Constitution. Even Joseph Story, though in after life a convert to Marshall's doctrines, could never wholly reconcile himself to the legislation of 1808.

"I have ever," he wrote, "considered the embargo a measure which went to the utmost limit of constructive power under the Constitution. It stands upon the ex-

¹ United States v. Fisher and others, February Term, 1805; Cranch's Reports, ii. 358-405.

treme verge of the Constitution, being in its very form and terms an unlimited prohibition or suspension of foreign commerce.”¹

That President Jefferson should exercise “dangerous and odious” powers, carrying the extremest principles of his Federalist predecessors to their extremest results; that he should in doing so invite bloodshed, strain his military resources, quarrel with the State authorities of his own party and with judges whom he had himself made; that he should depend for constitutional law on Federalist judges whose doctrines he had hitherto believed fatal to liberty,—these were the first fruits of the embargo. After such an experience, if he or his party again raised the cry of States-rights, or of strict construction, the public might, with some foundation of reason, set such complaints aside as factious and frivolous, and even, in any other mouth than that of John Randolph, as treasonable.

¹ Story's Life of Story, i. 185.

CHAPTER XII.

THE embargo was an experiment in politics well worth making. In the scheme of President Jefferson's statesmanship, non-intercourse was the substitute for war,—the weapon of defence and coercion which saved the cost and danger of supporting army or navy, and spared America the brutalities of the Old World. Failure of the embargo meant in his mind not only a recurrence to the practice of war, but to every political and social evil that war had always brought in its train. In such a case the crimes and corruptions of Europe, which had been the object of his political fears, must, as he believed, sooner or later teem in the fat soil of America. To avert a disaster so vast, was a proper motive for statesmanship, and justified disregard for smaller interests. Jefferson understood better than his friends the importance of his experiment; and when in pursuing his object he trampled upon personal rights and public principles, he did so, as he avowed in the Louisiana purchase, because he believed that a higher public interest required the sacrifice:—

“My principle is, that the conveniences of our citizens shall yield reasonably, and their taste greatly, to

the importance of giving the present experiment so fair a trial that on future occasions our legislators may know with certainty how far they may count on it as an engine for national purposes.”¹

Hence came his repeated entreaties for severity, even to the point of violence and bloodshed:—

“ I do consider the severe enforcement of the embargo to be of an importance not to be measured by money, for our future government as well as present objects.”²

Everywhere, on all occasions, he proclaimed that embargo was the alternative to war. The question next to be decided was brought by this means into the prominence it deserved. Of the two systems of statesmanship, which was the most costly,—which the most efficient?

The dread of war, radical in the Republican theory, sprang not so much from the supposed waste of life or resources as from the retroactive effects which war must exert upon the form of government; but the experience of a few months showed that the embargo as a system was rapidly leading to the same effects. Indeed, the embargo and the Louisiana purchase taken together were more destructive to the theory and practice of a Virginia republic than any foreign war was likely to be. Personal liberties and rights of property were more directly curtailed in the United States by embargo than in Great Britain by centuries of almost continuous foreign war. No one denied

¹ Jefferson to Gallatin, July 12, 1808 ; Works, v. 307.

² Jefferson to Robert Smith, July 16, 1808 ; Works, v. 316.

that a permanent embargo strained the Constitution to the uttermost tension; and even the Secretary of the Treasury and the President admitted that it required the exercise of most arbitrary, odious, and dangerous powers. From this point of view the system was quickly seen to have few advantages. If American liberties must perish, they might as well be destroyed by war as be stifled by non-intercourse.

While the constitutional cost of the two systems was not altogether unlike, the economical cost was a point not easily settled. No one could say what might be the financial expense of embargo as compared with war. Yet Jefferson himself in the end admitted that the embargo had no claim to respect as an economical measure. The Boston Federalists estimated that the net American loss of income, exclusive of that on freights, could not be less than ten per cent for interest and profit on the whole export of the country, — or ten million eight hundred thousand dollars on a total export value of one hundred and eight millions.¹ This estimate was extravagant, even if the embargo had been wholly responsible for cutting off American trade; it represented in fact the loss resulting to America from Napoleon's decrees, the British orders, and the embargo taken together. Yet at least the embargo was more destructive than war would have been to the interests of foreign commerce. Even in the worst of foreign wars American commerce could

¹ Speech of Josiah Quincy, Nov. 28, 1808; *Annals of Congress*, 1808, 1809, p. 543.

not be wholly stopped, — some outlet for American produce must always remain open, some inward bound ships would always escape the watch of a blockading squadron. Even in 1814, after two years of war, and when the coast was stringently blockaded, the American Treasury collected six million dollars from imports; but in 1808, after the embargo was in full effect, the customs yielded only a few thousand dollars on cargoes that happened to be imported for some special purpose. The difference was loss, to the disadvantage of embargo. To this must be added loss of freight, decay of ships and produce, besides enforced idleness to a corresponding extent; and finally the cost of a war if the embargo system should fail.

In other respects the system was still costly. The citizen was not killed, but he was partially paralyzed. Government did not waste money or life, but prevented both money and labor from having their former value. If long continued, embargo must bankrupt the government almost as certainly as war; if not long continued, the immediate shock to industry was more destructive than war would have been. The expense of war proved, five years afterward, to be about thirty million dollars a year, and of this sum much the larger portion was pure loss; but in 1808, owing to the condition of Europe, the expense need not have exceeded twenty millions, and the means at hand were greater. The effect of the embargo was certainly no greater than the effect of war in stimulating domestic industry. In either case the stimulus

was temporary and ineffective; but the embargo cut off the resources of credit and capital, while war gave both an artificial expansion. The result was that while embargo saved perhaps twenty millions of dollars a year and some thousands of lives which war would have consumed, it was still an expensive system, and in some respects more destructive than war itself to national wealth.

The economical was less serious than the moral problem. The strongest objection to war was not its waste of money or even of life; for money and life in political economy were worth no more than they could be made to produce. A worse evil was the lasting harm caused by war to the morals of mankind, which no system of economy could calculate. The reign of brute force and brutal methods corrupted and debauched society, making it blind to its own vices and ambitious only for mischief. Yet even on that ground the embargo had few advantages. The peaceable coercion which Jefferson tried to substitute for war was less brutal, but hardly less mischievous, than the evil it displaced. The embargo opened the sluice-gates of social corruption. Every citizen was tempted to evade or defy the laws. At every point along the coast and frontier the civil, military, and naval services were brought in contact with corruption; while every man in private life was placed under strong motives to corrupt. Every article produced or consumed in the country became an object of speculation; every form of industry became a form

of gambling. The rich could alone profit in the end ; while the poor must sacrifice at any loss the little they could produce.

If war made men brutal, at least it made them strong ; it called out the qualities best fitted to survive in the struggle for existence. To risk life for one's country was no mean act even when done for selfish motives ; and to die that others might more happily live was the highest act of self-sacrifice to be reached by man. War, with all its horrors, could purify as well as debase ; it dealt with high motives and vast interests ; taught courage, discipline, and stern sense of duty. Jefferson must have asked himself in vain what lessons of heroism or duty were taught by his system of peaceable coercion, which turned every citizen into an enemy of the laws,—preaching the fear of war and of self-sacrifice, making many smugglers and traitors, but not a single hero.

If the cost of the embargo was extravagant in its effects on the Constitution, the economy, and the morals of the nation, its political cost to the party in power was ruinous. War could have worked no more violent revolution. The trial was too severe for human nature to endure. At a moment's notice, without avowing his true reasons, President Jefferson bade foreign commerce to cease. As the order was carried along the seacoast, every artisan dropped his tools, every merchant closed his doors, every ship was dismantled. American produce — wheat, timber, cotton, tobacco, rice — dropped in value or became

unsalable; every imported article rose in price; wages stopped; swarms of debtors became bankrupt; thousands of sailors hung idle round the wharves trying to find employment on coasters, and escape to the West Indies or Nova Scotia. A reign of idleness began; and the men who were not already ruined felt that their ruin was only a matter of time.

The British traveller, Lambert, who visited New York in 1808, described it as resembling a place ravaged by pestilence:¹—

“The port indeed was full of shipping, but they were dismantled and laid up; their decks were cleared, their hatches fastened down, and scarcely a sailor was to be found on board. Not a box, bale, cask, barrel, or package was to be seen upon the wharves. Many of the counting-houses were shut up, or advertised to be let; and the few solitary merchants, clerks, porters, and laborers that were to be seen were walking about with their hands in their pockets. The coffee-houses were almost empty; the streets, near the water-side, were almost deserted; the grass had begun to grow upon the wharves.”

In New England, where the struggle of existence was keenest, the embargo struck like a thunderbolt, and society for a moment thought itself at an end. Foreign commerce and shipping were the life of the people,—the ocean, as Pickering said, was their farm. The outcry of suffering interests became every day

¹ Lambert's Travels, ii. 64, 65.

more violent, as the public learned that this paralysis was not a matter of weeks, but of months or years. New Englanders as a class were a law-abiding people; but from the earliest moments of their history they had largely qualified their obedience to the law by the violence with which they abused and the ingenuity with which they evaded it. Against the embargo and Jefferson they concentrated the clamor and passion of their keen and earnest nature. Rich and poor, young and old, joined in the chorus; and one lad, barely in his teens, published what he called "The Embargo: a Satire," — a boyish libel on Jefferson, which the famous poet and Democrat would afterward have given much to recall: —

"And thou, the scorn of every patriot name,
Thy country's ruin, and her councils' shame.

Go, wretch! Resign the Presidential chair,
Disclose thy secret measures, foul or fair;
Go search with curious eye for hornèd frogs
'Mid the wild waste of Louisiana bogs;
Or where Ohio rolls his turbid stream
Dig for huge bones, thy glory and thy theme."¹

The belief that Jefferson, sold to France, wished to destroy American commerce and to strike a deadly blow at New and Old England at once, maddened the sensitive temper of the people. Immense losses, sweeping away their savings and spreading bankruptcy through every village, gave ample cause for

¹ The Embargo; or Sketches of the Times. A Satire. By William Cullen Bryant. 1808.

their complaints. Yet in truth, New England was better able to defy the embargo than she was willing to suppose. She lost nothing except profits which the belligerents had in any case confiscated; her timber would not harm for keeping, and her fish were safe in the ocean. The embargo gave her almost a monopoly of the American market for domestic manufactures; no part of the country was so well situated or so well equipped for smuggling. Above all, she could easily economize. The New Englander knew better than any other American how to cut down his expenses to the uttermost point of parsimony; and even when he became bankrupt he had but to begin anew. His energy, shrewdness, and education were a capital which the embargo could not destroy, but rather helped to improve.

The growers of wheat and live stock in the Middle States were more hardly treated. Their wheat, reduced in value from two dollars to seventy-five cents a bushel, became practically unsalable. Debarred a market for their produce at a moment when every article of common use tended to rise in cost, they were reduced to the necessity of living on the produce of their farms; but the task was not then so difficult as in later times, and the cities still furnished local markets not to be despised. The manufacturers of Pennsylvania could not but feel the stimulus of the new demand; so violent a system of protection was never applied to them before or since. Probably for that reason the embargo was not so unpopular in

Pennsylvania as elsewhere, and Jefferson had nothing to fear from political revolution in this calm and plodding community.

The true burden of the embargo fell on the Southern States, but most severely upon the great State of Virginia. Slowly decaying, but still half patriarchal, Virginia society could neither economize nor liquidate. Tobacco was worthless; but four hundred thousand negro slaves must be clothed and fed, great establishments must be kept up, the social scale of living could not be reduced, and even bankruptcy could not clear a large landed estate without creating new encumbrances in a country where land and negroes were the only forms of property on which money could be raised. Stay-laws were tried, but served only to prolong the agony. With astonishing rapidity Virginia succumbed to ruin, while continuing to support the system that was draining her strength. No episode in American history was more touching than the generous devotion with which Virginia clung to the embargo, and drained the poison which her own President held obstinately to her lips. The cotton and rice States had less to lose, and could more easily bear bankruptcy; ruin was to them — except in Charleston — a word of little meaning; but the old society of Virginia could never be restored. Amid the harsh warnings of John Randolph it saw its agonies approach; and its last representative, heir to all its honors and dignities, President Jefferson himself woke from his long dream of power

only to find his own fortunes buried in the ruin he had made.

Except in a state of society verging on primitive civilization, the stoppage of all foreign intercourse could not have been attempted by peaceable means. The attempt to deprive the laborer of sugar, salt, tea, coffee, molasses, and rum ; to treble the price of every yard of coarse cottons and woollens ; to reduce by one half the wages of labor, and to double its burdens, — this was a trial more severe than war ; and even when attempted by the whole continent of Europe, with all the resources of manufactures and wealth which the civilization of a thousand years had supplied, the experiment required the despotic power of Napoleon and the united armies of France, Austria, and Russia to carry it into effect. Even then it failed. Jefferson, Madison, and the Southern Republicans had no idea of the economical difficulties their system created, and were surprised to find American society so complex even in their own Southern States that the failure of two successive crops to find a sale threatened beggary to every rich planter from the Delaware to the Sabine. During the first few months, while ships continued to arrive from abroad and old stores were consumed at home, the full pressure of the embargo was not felt ; but as the summer of 1808 passed, the outcry became violent. In the Southern States, almost by common consent debts remained unpaid, and few men ventured to oppose a political system which was peculiarly a

Southern invention; but in the Northern States, where the bankrupt laws were enforced and the habits of business were comparatively strict, the cost of the embargo was soon shown in the form of political revolution.

The relapse of Massachusetts to Federalism and the overthrow of Senator Adams in the spring of 1808 were the first signs of the political price which President Jefferson must pay for his passion of peace. In New York the prospect was little better. Governor Morgan Lewis, elected in 1804 over Aaron Burr by a combination of Clintons and Livingstons, was turned out of office in 1807 by the Clintons. Governor Daniel D. Tompkins, his successor, was supposed to be a representative of De Witt Clinton and Ambrose Spencer. To De Witt Clinton the State of New York seemed in 1807 a mere appendage,—a political property which he could control at will; and of all American politicians next to Aaron Burr none had shown such indifference to party as he. No one could predict his course, except that it would be shaped according to what seemed to be the interests of his ambition. He began by declaring himself against the embargo, and soon afterward declared himself for it. In truth, he was for or against it as the majority might decide; and in New York a majority could hardly fail to decide against the embargo. At the spring election of 1808, which took place about May 1, the Federalists made large gains in the legislature. The summer greatly increased their strength, until Madison's

friends trembled for the result, and their language became despondent beyond reason. Gallatin, who knew best the difficulties created by the embargo, began to despair. June 29 he wrote: "From present appearances the Federalists will turn us out by 4th of March next." Ten days afterward he explained the reason of his fears: "I think that Vermont is lost; New Hampshire is in a bad neighborhood; and Pennsylvania is extremely doubtful." In August he thought the situation so serious that he warned the President:—

"There is almost an equal chance that if propositions from Great Britain, or other events, do not put it in our power to raise the embargo before the 1st of October, we will lose the Presidential election. I think that at this moment the Western States, Virginia, South Carolina, and perhaps Georgia are the only sound States, and that we will have a doubtful contest in every other."¹

Two causes saved Madison. In the first place, the opposition failed to concentrate its strength. Neither George Clinton nor James Monroe could control the whole body of opponents to the embargo. After waiting till the middle of August for some arrangement to be made, leading Federalists held a conference at New York, where they found themselves obliged, by the conduct of De Witt Clinton, to give up the hope of a coalition. Clinton decided not to risk his fortunes for the sake of his uncle the Vice-President; and this decision obliged the Federalists to put a can-

¹ Adams's Gallatin, 373, 374.

didate of their own in the field. They named C. C. Pinckney of South Carolina for President, and Rufus King of New York for Vice-President, as in 1804.

From the moment his opponents divided themselves among three candidates, Madison had nothing to fear; but even without this good fortune he possessed an advantage that weighed decisively in his favor. The State legislatures had been chosen chiefly in the spring or summer, when the embargo was still comparatively popular; and in most cases, but particularly in New York, the legislature still chose Presidential electors. The people expressed no direct opinion on national politics, except in regard to Congressmen. State after State deserted to the Federalists without affecting the general election. Early in September Vermont elected a Federalist governor, but the swarm of rotten boroughs in the State secured a Republican legislature, which immediately chose electors for Madison. The revolution in Vermont surrendered all New England to the Federalists. New Hampshire chose Presidential electors by popular vote; Rhode Island did the same,—and both States, by fair majorities, rejected Madison and voted for Pinckney. In Massachusetts and Connecticut the legislatures chose Federalist electors. Thus all New England declared against the Administration; and had Vermont been counted as she voted in September, the opposition would have received forty-five electoral votes from New England, where in 1804 it had received only nine. In New York

the opponents of the embargo were very strong, and the nineteen electoral votes of that State might in a popular election have been taken from Madison. In this case Pennsylvania would have decided the result. Eighty-eight electoral votes were needed for a choice. New England, New York, and Delaware represented sixty-seven. Maryland and North Carolina were so doubtful that if Pennsylvania had deserted Madison, they would probably have followed her, and would have left the Republican party a wreck.

The choice of electors by the legislatures of Vermont and New York defeated all chance of overthrowing Madison; but apart from these accidents of management the result was already decided by the people of Pennsylvania. The wave of Federalist success and political revolution stopped short in New York, and once more the Democracy of Pennsylvania steadied and saved the Administration. At the October election of 1808,—old Governor McKean having at last retired,—Simon Snyder was chosen governor by a majority of more than twenty thousand votes. The new governor was the candidate of Duane and the extreme Democrats; his triumph stopped the current of Federalist success, and enabled Madison's friends to drive hesitating Republicans back to their party. In Virginia, Monroe was obliged to retire from the contest, and his supporters dwindled in numbers until only two or three thousand went to the polls. In New York, De Witt Clinton con-

tented himself with taking from Madison six of the nineteen electoral votes and giving them to Vice-President Clinton. Thus the result showed comparatively little sign of the true Republican loss ; yet in the electoral college where in 1804 Jefferson had received the voices of one hundred and sixty-two electors, Madison in 1808 received only one hundred and twenty-two votes. The Federalist minority rose from fourteen to forty-seven.

In the elections to Congress the same effects were shown. The Federalists doubled their number of Congressmen, but the huge Republican majority could well bear reduction. The true character of the Eleventh Congress could not be foretold by the party vote. Many Northern Republicans chosen to Congress were as hostile to the embargo as though they had been Federalists. Elected on the issue of embargo or anti-embargo, the Congress which was to last till March 5, 1811, was sure to be factious ; but whether factious or united, it could have neither policy nor leader. The election decided its own issue. The true issue thenceforward was that of war ; but on this point the people had not been asked to speak, and their representatives would not dare without their encouragement to act.

The Republican party by a supreme effort kept itself in office ; but no one could fail to see that if nine months of embargo had so shattered Jefferson's power, another such year would shake the Union itself. The cost of this "engine for national purposes"

exceeded all calculation. Financially, it emptied the Treasury, bankrupted the mercantile and agricultural class, and ground the poor beyond endurance. Constitutionally, it overrode every specified limit on arbitrary power and made Congress despotic, while it left no bounds to the authority which might be vested by Congress in the President. Morally, it sapped the nation's vital force, lowering its courage, paralyzing its energy, corrupting its principles, and arraying all the active elements of society in factious opposition to government or in secret paths of treason. Politically, it cost Jefferson the fruits of eight years painful labor for popularity, and brought the Union to the edge of a precipice.

Finally, frightful as the cost of this engine was, as a means of coercion the embargo evidently failed. The President complained of evasion, and declared that if the measure were faithfully executed it would produce the desired effect; but the people knew better. In truth, the law was faithfully executed. The price-lists of Liverpool and London, the published returns from Jamaica and Havana, proved that American produce was no longer to be bought abroad. On the continent of Europe commerce had ceased before the embargo was laid, and its coercive effects were far exceeded by Napoleon's own restrictions; yet not a sign came from Europe to show that Napoleon meant to give way. From England came an answer to the embargo, but not such as promised its success. On all sides evidence accumulated that

the embargo, as an engine of coercion, needed a long period of time to produce a decided effect. The law of physics could easily be applied to politics ; force could be converted only into its equivalent force. If the embargo — an exertion of force less violent than war — was to do the work of war, it must extend over a longer time the development of an equivalent energy. Wars lasted for many years, and the embargo must be calculated to last much longer than any war ; but meanwhile the morals, courage, and political liberties of the American people must be perverted or destroyed ; agriculture and shipping must perish ; the Union itself could not be preserved.

Under the shock of these discoveries Jefferson's vast popularity vanished, and the labored fabric of his reputation fell in sudden and general ruin. America began slowly to struggle, under the consciousness of pain, toward a conviction that she must bear the common burdens of humanity, and fight with the weapons of other races in the same bloody arena ; that she could not much longer delude herself with hopes of evading laws of Nature and instincts of life ; and that her new statesmanship which made peace a passion could lead to no better result than had been reached by the barbarous system which made war a duty.

CHAPTER XIII.

WHILE the people of the United States waited to see the effect of the embargo on Europe, Europe watched with breathless interest the death-throes of Spain.

The Emperor Napoleon, in December, 1807, hurried in triumphal progress from one ancient city to another, through his Italian kingdom, while his armies steadily crossed the Pyrenees, and spread over every road between Bayonne and Lisbon. From Madrid, Godoy saw that the end was near. Until that moment he had counted with certainty on the devotion of the Spanish people to their old King. In the last months of 1807 he learned that even Spanish loyalty could not survive the miseries of such a reign. Conspiracy appeared in the Escorial itself. Ferdinand, Prince of the Asturias, only son of Don Carlos IV., was discovered in a plot for dethroning his father by aid of Napoleon. Ferdinand was but twenty-three years old; yet even in the flower of youth he showed no social quality. Dull, obstinate, sullen, just shrewd enough to be suspicious, and with just enough passion to make him vindictive, Ferdinand was destined to become the last and worst of

the Spanish Bourbon kings; yet in the year 1807 he had a strong bond of sympathy with the people, for he hated and feared his father and mother and the Prince of Peace. Public patience, exhausted by endless disaster, and outraged by the King's incompetence, the Queen's supposed amours, and Godoy's parade of royal rank and power, vanished at the news that Ferdinand shared in the popular disgust; and the Prince of Peace suddenly woke to find the old King already dethroned in his subjects' love, while the Prince of the Asturias, who was fitted only for confinement in an asylum, had become the popular ideal of virtue and reform.

Godoy stifled Ferdinand's intrigue, and took from Napoleon that pretext for interference; but he gained at most only a brief respite for King Charles. The pardon of Ferdinand was issued Nov. 5, 1807; December 23, Napoleon sent from Milan to his minister of war orders ¹ to concentrate armies for occupying the whole peninsula, and to establish the magazines necessary for their support. He was almost ready to act; and his return to Paris, Jan. 3, 1808, announced to those who were in the secret that the new drama would soon begin.

Among the most interested of his audience was General Armstrong, who had longed, since 1805, for a chance to meet the Emperor with his own weapons, and who knew that Napoleon's schemes required

¹ Napoleon to General Clarke, Dec. 23, 1807; Correspondance, xvi. 212.

control of North and South America, which would warrant Jefferson in imposing rather than in receiving terms for Florida. Whatever these terms might be, Napoleon must grant them, or must yield the Americas to England's naval supremacy. The plan as Armstrong saw it was both safe and sure. Napoleon made no secret of his wants. Whatever finesse he may have used in the earlier stage of his policy was flung aside after his return to Paris, January 3. In reply to Armstrong's remonstrances against the Milan Decree, the Emperor ordered Champagny to use the language of command:¹—

“ Answer Mr. Armstrong, that I am ashamed to discuss points of which the injustice is so evident; but that in the position in which England has put the Continent, I do not doubt of the United States declaring war against her, especially on account of her decree of November 11; that however great may be the evil resulting to America from war, every man of sense will prefer it to a recognition of the monstrous principles and of the anarchy which that Government wants to establish on the seas; that in my mind I regard war as declared between England and America from the day when England published her decrees; that, for the rest, I have ordered that the American vessels should remain sequestered, to be disposed of as shall be necessary according to circumstances.”

No coarser methods were known to diplomacy than those which Napoleon commonly took whenever the moment for action came. Not only did he thus hold

¹ Napoleon to Champagny, Jan. 12, 1808; Correspondance, xvi. 243.

millions of American property sequestered as a pledge for the obedience of America, but he also offered a bribe to the United States government. January 28 he gave orders¹ for the occupation of Barcelona and the Spanish frontier as far as the Ebro, and for pushing a division from Burgos to Aranda on the direct road to Madrid. These orders admitted of no disguise; they announced the annexation of Spain to France. A few days afterward, February 2, the Emperor began to dispose of Spanish territory as already his own.

“Let the American minister know verbally,” he wrote to Champagny,² “that whenever war shall be declared between America and England, and whenever in consequence of this war the Americans shall send troops into the Floridas to help the Spaniards and repulse the English, I shall much approve of it. You will even let him perceive (*vous lui laisserez même entrevoir*) that in case America should be disposed to enter into a treaty of alliance, and make common cause with me, I shall not be unwilling (*éloigné*) to intervene with the court of Spain to obtain the cession of these same Floridas in favor of the Americans.”

The next day Champagny sent for Armstrong and gave him a verbal message, which the American minister understood as follows:³—

¹ Napoleon to General Clarke, Jan. 28, 1808; Correspondance, xvi. 281, 282.

² Napoleon to Champagny, Feb. 2, 1808; Correspondance, xvi. 301.

³ Armstrong to Madison, Feb. 15, 1808; MSS. State Department Archives.

“General, I have to communicate to you a message from the Emperor. I am instructed to say that the measure of taking the Floridas, to the exclusion of the British, meets entirely the approbation of his Majesty. I understand that you wish to purchase the Floridas. If such be your wish, I am further instructed to say that his Majesty will interest himself with Spain in such way as to obtain for you the Floridas, and, what is still more important, a convenient western boundary for Louisiana, on condition that the United States will enter into an alliance with France.”

Weary of verbal and semi-official advances, Armstrong determined to put this overture on record, and in doing so, to tell the Emperor plainly the price of American friendship. February 5 he wrote to Champagny a note, embodying the message as he understood it, and promising to convey it to the President.¹

“I should little deserve,” he added, “and still less reciprocate the frankness of this declaration, were I to withhold from your Excellency my belief that the present conduct of France toward the commerce of the United States, so far from promoting the views of his Majesty, is directly calculated to contravene them. That the United States are at this moment on the eve of a war with Great Britain on account of certain outrages committed against their rights as a neutral nation is a fact abundantly and even generally known. Another fact, scarcely less known, is that under these circumstances France also has proceeded, in many instances and by

¹ Armstrong to Champagny, Feb. 5, 1808 ; MSS. State Department Archives.

various means, to violate these very rights. In both cases all the injunctions of public law have been equally forgotten; but between the two we cannot fail to remark a conspicuous difference. With Great Britain the United States could invoke no particular treaty providing rights supplementary to these injunctions; but such was not their situation with France. With her a treaty did exist, . . . a treaty sanctioned with the name and guaranteed by the promise of the Emperor 'that all its obligations should be inviolably preserved.'"

This was hardly the reply which the Emperor expected; but, temper for temper, Napoleon was not a man to be thus challenged by a mere diplomatist.

"You must write to the American minister," was his order to Champagny,¹ "that France has taken engagements with America, has made with her a treaty founded on the principle that the flag covers the goods, and that if this sacred principle had not been solemnly proclaimed, his Majesty would still proclaim it; that his Majesty treated with America independent, and not with America enslaved (*asservie*); that if she submits to the King of England's Decree of November 11, she renounces thereby the protection of her flag; but that if the Americans, as his Majesty cannot doubt without wounding their honor, regard this act as one of hostility, the Emperor is ready to do justice in every respect."

In forwarding these documents to Washington, Armstrong expressed in plain language his opinion of Napoleon and Champagny. "With one hand they

¹ Napoleon to Champagny, Feb. 11, 1808; Correspondance, xvi. 319.

offer us the blessings of equal alliance against Great Britain; with the other they menace us with war if we do not accept this kindness; and with both they pick our pockets with all imaginable diligence, dexterity, and impudence." Armstrong's patience was exhausted. He besought the Government to select its enemy, either France or England; but "in either case do not suspend a moment the seizure of the Floridas."¹ A week afterward he wrote to Madison that "in a council of Administration held a few days past, when it was proposed to modify the operation of the Decrees of November, 1806, and December, 1807, though the proposition was supported by the whole weight of the council, the Emperor became highly indignant, and declared that these decrees should suffer no change, and that the Americans should be compelled to take the positive character either of allies or of enemies."²

These letters from Armstrong, enclosing Champagny's version of Napoleon's blunt words, were despatched to Washington during the month of February; and, as the story has already shown, President Jefferson roused a storm against France by communicating to Congress the Emperor's order that the United States government should regard itself as at war with England. Turreau felt the pub-

¹ Armstrong to Madison, Feb. 15, 1808; MSS. State Department Archives.

² Armstrong to Madison, Feb. 22, 1808; State Papers, iii. 250.

lication as a fatal blow to his influence; but even Turreau, soldier as he was, could never appreciate the genius of his master's audacity. Napoleon knew his ground. From the moment England adopted the Orders in Council the United States were necessarily a party in the war, and no process of evasion or delay could more than disguise their position. Napoleon told Jefferson this plain truth, and offered him the Floridas as a bribe to declare himself on the side of France. These advances were made before the embargo system was fairly known or fully understood at Paris; and the policy of peaceable coercion, as applied to England, had not been considered in the Emperor's plans. Alliance or war seemed to him the necessary alternative, and from that point of view America had no reason or right to complain because he disregarded treaty stipulations which had become a dead letter.

All this while the Emperor held Spain in suspense, but February 21 he gave orders for securing the royal family. Murat was to occupy Madrid; Admiral Rosily, who commanded a French squadron at Cadiz, was to bar the way "if the Spanish Court, owing to events or a folly that can hardly be expected, should wish to renew the scene of Lisbon."¹ Godoy saw the impending blow, and ordered the Court to Cadiz, intending to carry the King even to Mexico if no other resource remained. He would

¹ Decrès to Rosily, Feb. 21, 1808; Thiers's *Empire*, viii. 669.

perhaps have saved the King, and Admiral Rosily himself would have been the prisoner, had not the people risen in riot on hearing of the intended flight. March 17 a sudden mob sacked Godoy's house at Aranjuez, hunting him down like a wild beast, and barely failing to take his life; while by sheer terror Don Carlos IV. was made to abdicate the throne in favor of his son Ferdinand. March 19 the ancient Spanish empire crumbled away.

Owing to the skill with which Napoleon had sucked every drop of blood from the veins, and paralyzed every nerve in the limbs of the Spanish monarchy, the throne fell without apparent touch from him, and his army entered Madrid as though called to protect Carlos IV. from violence. When the news reached Paris the Emperor, April 2, hurried to Bordeaux and Bayonne, where he remained until August, regulating his new empire. To Bayonne were brought all the familiar figures of the old Spanish *régime*,—Carlos IV., Queen Luisa, Ferdinand, the Prince of Peace, Don Pedro Cevallos,—the last remnants of picturesque Spain; and Napoleon passed them in review with the curiosity which he might have shown in regarding a collection of rococo furniture. His victims always interested him, except when, as in the case of Tousaint Louverture, they were not of noble birth. King Charles, he said,¹ looked a *bon et brave homme*.

¹ Napoleon to Talleyrand, Correspondance, xvii. 39, 49, 65.

“I do not know whether it is due to his position or to the circumstances, but he has the air of a patriarch, frank and good. The Queen carries her heart and history on her face; you need to know nothing more of her. The Prince of Peace has the air of a bull; something like Daru. He is beginning to recover his senses; he has been treated with unexampled barbarity. It is well to discharge him of every false imputation, but he must be left covered with a slight tinge of contempt.”

This was a compliment to Godoy; for Napoleon made it his rule to throw contempt only upon persons—like the Queen of Prussia, or Mme. de Staël, or Toussaint—whose influence he feared. Of Ferdinand, Napoleon could make nothing, and became almost humorous in attempting to express the antipathy which this last Spanish Bourbon aroused.

“The King of Prussia is a hero in comparison with the Prince of the Asturias. He has not yet said a word to me; he is indifferent to everything; very material; eats four times a day, and has no ideas; . . . sullen and stupid.”

Madrid and Aranjuez, the Escorial and La Granja were to know King Charles and his court no more. After showing themselves for a few days at Bayonne, these relics of the eighteenth century disappeared to Compiègne, to Valençay, to one refuge after another, until in 1814 unhappy Spain welcomed back the sullen and stupid Ferdinand, only to learn his true character; while old King Charles, beggared and forgotten, dragged out a melancholy existence in Italy.

served to the last by Godoy with a loyalty that half excused his faults and vices. The Bourbon rubbish was swept from Madrid; Don Carlos had already abdicated; Ferdinand, entrapped and terrified, was set aside; the old palaces were garnished for newcomers; and after Lucien and Louis Bonaparte had refused the proffered throne, Napoleon sent to Naples for Joseph, who was crowned, June 15, King of Spain at Bayonne.

Meanwhile the Spanish people woke to consciousness that their ancient empire had become a province of France, and their exasperation broke into acts of wild revenge. May 2 Madrid rose in an insurrection which Murat suppressed by force. Several hundred lives on either side were lost; and although the affair itself was one of no great importance, it had results which made the day an epoch in modern history.

The gradual breaking up of the old European system of politics was marked by an anniversary among each of the Western nations. The English race dated from July 4, 1776, the beginning of a new era; the French celebrated July 14, 1789, the capture of the Bastille, as decisive of their destinies. For a time, Bonaparte's *coup d'état* of the 18th Brumaire in 1799 forced both France and England back on their steps; but the dethronement of Charles IV. began the process in a new direction. The Second of May — or as the Spaniards called it, the Dos de Maio — swept the vast Spanish empire into the vortex of dissolution. Each

of the other anniversaries — that of July 4, 1776, and of July 14, 1789 — had been followed by a long and bloody convulsion which ravaged large portions of the world; and the extent and violence of the convulsion which was to ravage the Spanish empire could be measured only by the vastness of Spanish dominion. So strangely had political forces been entangled by Napoleon's hand, that the explosion at Madrid roused the most incongruous interests into active sympathy and strange companionship. The Spaniards themselves, the least progressive people in Europe, became by necessity democratic; not only the people, but even the governments of Austria and Germany felt the movement, and yielded to it; the Tories of England joined with the Whigs and Democrats in cheering a revolution which could not but shake the foundations of Tory principles; confusion became chaos, and while all Europe, except France, joined hands in active or passive support of Spanish freedom, America, the stronghold of free government, drew back and threw her weight on the opposite side. The workings of human development were never more strikingly shown than in the helplessness with which the strongest political and social forces in the world followed or resisted at haphazard the necessities of a movement which they could not control or comprehend. Spain, France, Germany, England, were swept into a vast and bloody torrent which dragged America, from Montreal to Valparaiso, slowly into its movement; while the

familiar figures of famous men, — Napoleon, Alexander, Canning, Godoy, Jefferson, Madison, Talleyrand; emperors, generals, presidents, conspirators, patriots, tyrants, and martyrs by the thousand, — were borne away by the stream, struggling, gesticulating, praying, murdering, robbing; each blind to everything but a selfish interest, and all helping more or less unconsciously to reach the new level which society was obliged to seek. Half a century of disorder failed to settle the problems raised by the Dos de Maio; but from the first even a child could see that in the ruin of a world like the empire of Spain, the only nation certain to find a splendid and inexhaustible booty was the Republic of the United States. To President Jefferson the Spanish revolution opened an endless vista of democratic ambition.

Yet at first the Dos de Maio seemed only to rivet Napoleon's power, and to strengthen the reaction begun on the 18th Brumaire. The Emperor expected local resistance, and was ready to suppress it. He had dealt effectually with such popular outbreaks in France, Italy, and Germany; he had been overcome in St. Domingo not by the people, but, as he believed, by the climate. If the Germans and Italians could be made obedient to his orders, the Spaniards could certainly offer no serious resistance. During the two or three months that followed the dethronement of the Bourbons, Napoleon stood at the summit of his hopes. If the letters he then wrote were not

extant to prove the plans he had in mind, common-sense would refuse to believe that schemes so unsubstantial could have found lodgment in his brain. The English navy and English commerce were to be driven from the Mediterranean Sea, the Indian Ocean, and American waters, until the ruin of England should be accomplished, and the empire of the world should be secured. Order rapidly followed order for reconstructing the navies of France, Spain, and Portugal. Great expeditions were to occupy Ceuta, Egypt, Syria, Buenos Ayres, the Isle de France, and the East Indies.

“The concurrence of these operations,” he wrote May 13,¹ “will throw London into a panic. A single one of them, that of India, will do horrible damage there. England will then have no means of annoying us or of disturbing America. I am resolved on this expedition.”

For this purpose the Emperor required not only the submission of Spain, but also the support of Spanish America and of the United States. He acted as though he were already master of all these countries, which were not yet within his reach. Continuing to treat the United States as a dependent government, he issued April 17 a new order directing the seizure of all American vessels which should enter the ports of France, Italy, and the Hanse towns.² This measure, which became famous

¹ Napoleon to Decrès, May 13, 1808 ; Correspondance, xvii. 112.

² Napoleon to Gaudin, April 17, 1808; Correspondance, xvii. 16.

as the Bayonne Decree, surpassed the Decrees of Berlin and Milan in violence, and was gravely justified by Napoleon on the ground that, since the embargo, no vessel of the United States could navigate the seas without violating the law of its own government, and furnishing a presumption that it did so with false papers, on British account or in British connection. "This is very ingenious," wrote Armstrong in reporting the fact.¹ Yet it was hardly more arbitrary or unreasonable than the British "Rule of 1756," which declared that a neutral should practise no trade with a belligerent which it had not practised with the same nation during peace.

While these portentous events were passing rapidly before the eyes of Europe, no undue haste marked Madison's movements. Champagny's letter of Jan. 15, 1808, arrived and was sent to Congress toward the end of March; but although the United States quickly knew by heart Napoleon's phrase, "War exists in fact between England and the United States, and his Majesty considers it as declared from the day on which England published her decrees;" although Rose departed March 22, and the embargo was shaped into a system of coercion long before Rose's actual departure, — yet Congress waited until April 22 before authorizing the President to suspend the embargo, if he could succeed in persuading or compelling England or France to withdraw the belli-

¹ Armstrong to Madison, April 25, 1808; MSS. State Department Archives. Cf. State Papers, iii. 291.

gerent decrees; and not until May 2—the famous Dos de Maio—did Madison send to Armstrong instructions which were to guide that minister through the dangers of Napoleonic diplomacy.

The Secretary began by noticing Champagny's letter of January 15, which had assumed to declare war for the United States government.

“That [letter],” said Madison,¹ “. . . has, as you will see by the papers herewith sent, produced all the sensations here which the spirit and style of it were calculated to excite in minds alive to the interests and honor of the nation. To present to the United States the alternative of bending to the views of France against her enemy, or of incurring a confiscation of all the property of their citizens carried into the French prize courts, implied that they were susceptible of impressions by which no independent and honorable nation can be guided; and to prejudge and pronounce for them the effect which the conduct of another nation ought to have on their councils and course of proceeding, had the air at least of an assumed authority not less irritating to the public feeling. In these lights the President makes it your duty to present to the French government the contents of Mr. Champagny's letter; taking care, as your discretion will doubtless suggest, that while you make that Government sensible of the offensive tone employed, you leave the way open for friendly and respectful explanations, if there be a disposition to offer them, and for a decision here on any reply which may be of a different character.” .

¹ Madison to Armstrong, May 2, 1808; State Papers, iii. 252.

While Armstrong waited for Napoleon's "friendly and respectful explanations," he was to study the Act of Congress which vested in the President an authority to suspend the embargo:—

"The conditions on which the suspending authority is to be exercised will engage your particular attention. They appeal equally to the justice and the policy of the two great belligerent Powers now emulating each other in violations of both. The President counts on your best endeavors to give to this appeal all the effect possible with the French government. Mr. Pinkney will be doing the same with that of Great Britain."

The Florida affair remained to be discussed. The President courteously acknowledged the Emperor's wishes "for an accession of the United States to the war against England, as an inducement to which his interposition would be employed with Spain to obtain for them the Floridas." Armstrong was told to say in reply "that the United States having chosen as the basis of their policy a fair and sincere neutrality among the contending Powers, they are disposed to adhere to it as long as their essential interests will permit, and are more particularly disinclined to become a party to the complicated and general warfare which agitates another quarter of the globe, for the purpose of obtaining a separate and particular object, however interesting to them; but," Madison added, "should circumstances demand from the United States a precautionary occupation against the hostile designs of Great Britain, it will

be recollected with satisfaction that the measure has received his Majesty's approbation." Finally, Armstrong's advice to seize the Floridas without delay was answered only by the singular remark that the Emperor had given no reason to suppose he would approve the step. In private Jefferson gave other explanations, but perhaps he most nearly expressed his true feeling when he added that Armstrong wrote "so much in the buskin that he cannot give a naked fact in an intelligible form."¹

Turreau, who stood nearer than any other man to the secrets of American foreign politics, attempted to draw the President from this defensive attitude. Turreau's instructions were such as to warrant him in using strong language. In a despatch dated February 15, Champagny repeated to his minister at Washington in still plainer words the substance of what had been said to Armstrong: "Some American ships have been seized, but the Emperor contents himself for the moment with holding them in sequestration. His conduct toward the Americans will depend on the conduct of the United States toward England." As previously to Armstrong, so again to Turreau, the threat was supported by the bribe:—

"The Emperor, wishing on this occasion to establish a still more intimate union of interests between America and France, has authorized me to notify Mr. Armstrong

¹ Jefferson to Madison, Sept. 13, 1808; Writings, v. 367. Cf. Jefferson to Armstrong, March 5, 1809; Works, v. 433.

verbally that if England should make any movement against the Floridas, he would not take it ill if the United States should move troops there for defence. You will be cautious in making use of this communication, which is purely conditional, and can take effect only in case the Floridas are attacked.”¹

Not until late in the month of June did Turreau find an opportunity to talk at his ease with the President and Secretary of State; but, as usual, his account of the conversation was interesting.² He began with Madison; and after listening with some impatience to the Secretary's long list of complaints, he brought forward the suggestion of alliance: —

“I watched the Secretary of State, and the experience I have in dealing with him made me easily perceive that my proposal embarrassed him; so he replied in an evasive manner. At last, finding himself too hard pressed, for a third time he said to me ‘that the intention of the Federal government was to observe the most exact impartiality between France and England.’ ‘You have departed from it,’ said I, ‘when you place the two Powers on the same line relatively to their conduct toward you.’ . . . ‘Well,’ said he, ‘we must wait the decision of the next Congress with regard to the embargo; doubtless it will be raised in favor of the Power which shall first recall the measures that harass our commerce.’”

¹ Champagny to Turreau, Feb. 15, 1808; Archives des Aff. Étr. MSS.

² Turreau to Champagny, June 28, 1808; Archives des Aff. Étr. MSS.

For three hours Turreau lectured the secretary on the iniquities of England, while the secretary doggedly repeated his phrases. Wearied but not satisfied, the French minister abandoned Madison and attacked the President. Jefferson entertained him with a long list of complaints against Spain, which Turreau had heard so often as to know them by memory. When at last the conversation had been brought to the subject of alliance against England, Jefferson took a new view of the situation, which hardly agreed with that taken by the Secretary of State.

“You have complained,” replied the President, “that in consequence of our measures and of the proceedings of the last Congress, France has been put on a level with England in regard to the wrongs we allege against both Powers, while there was no kind of analogy either in the date or the gravity of their wrongs toward the Americans. I am going to prove to you generally that we never intended to admit any comparison in the conduct of these two Powers, by recalling to you the effect of the very measures you complain of. The embargo, which seems to strike at France and Great Britain equally, is in fact more prejudicial to the latter than to the former, by reason of the greater number of colonies which England possesses, and their inferiority in local resources.”

After pursuing this line of argument Jefferson reverted to his own policy, and made an advance toward an understanding.

“It is possible,” he said, “that Congress may repeal the embargo, the continuation of which would do us more harm than a state of war. For us in the pres-

ent situation all is loss ; whereas, however powerful the English may be, war would put us in a way of doing them much harm, because our people are enterprising. Yet as it is probable that Congress will favor raising the embargo if the Orders in Council are withdrawn, it would be necessary for your interests, if you are unwilling to withdraw your decrees, that at least you should promise their withdrawal on condition that the embargo be withdrawn in your favor. You will also observe that were the embargo withdrawn in favor of the English, this will not close our differences with them, because never — no, never — will there be an arrangement with them if they do not renounce the impressment of our seamen on our ships.”

With this avowal, which Turreau understood as a sort of pledge that Jefferson would lean toward war with England rather than with France, the French minister was obliged to content himself; while he pressed on his Government the assurance that both the President and the secretary wished more than all else to obtain the Floridas. Such reports were little calculated to change the Emperor's course. Human ingenuity discovered but one way to break Napoleon's will, and this single method was that of showing power to break his plans.

In due time Armstrong received his instructions of May 2, and wrote June 10 to Champagny a note declining the proposed alliance, and expressing the satisfaction which his Government felt at hearing the Emperor's approval of “a cautionary occupation of the Floridas.” Napoleon, who was still at Bayonne

in the flush of his power, no sooner read this reply than he wrote to Champagny,¹ —

“ Answer the American minister that you do not know what he means about the occupation of the Floridas ; and that the Americans, being at peace with the Spaniards, cannot occupy the Floridas without the permission or the request of the King of Spain.”

Armstrong, a few days afterward, was astonished by receiving from Champagny a note² denying positively that any suggestion had ever been made to warrant an American occupation of the Floridas without an express request from the King of Spain : “ The Emperor has neither the right nor the wish to authorize an infraction of international law, contrary to the interests of an independent Power, his ally and his friend.” When Napoleon chose to deny a fact, argument was thrown away ; yet Armstrong could not do otherwise than recall Champagny’s own words, which he did in a formal note, and there left the matter at rest, writing to his Government that the change in tone had “ no doubt grown out of the new relations which the Floridas bear to this government since the abdication of Charles IV.”³

For once Armstrong was too charitable. He might safely have assumed that Napoleon was also con-

¹ Napoleon to Champagny, June 21, 1808 ; Correspondance, xvii. 326.

² Champagny to Armstrong, June 22, 1808 ; MSS. State Department Archives.

³ Armstrong to Madison, July 8, 1808 ; MSS. State Department Archives.

tinuing the same coarse game he had played since April, 1803, — snatching away the lure he loved to dangle before Jefferson's eyes, punishing the Americans for refusing his offer of alliance, and making them feel the constant pressure of his will. They were fortunate if he did not at once confiscate the property he had sequestered. Indeed, not only did his seizures of American property continue even more rigorously than before,¹ but such French frigates as could keep at sea actually burned and sunk American ships that came in their way. The Bayonne Decree was enforced like a declaration of war. The Emperor tolerated no remonstrance. At Bayonne, July 6, he had an interview with one of the Livingstons, who was on his way to America as bearer of despatches.

“We are obliged to embargo your ships,” said the Emperor;² “they keep up a trade with England; they come to Holland and elsewhere with English goods; England has made them tributary to her. This I will not suffer. Tell the President from me when you see him in America that if he can make a treaty with England, preserving his maritime rights, it will be agreeable to me; but that I will make war upon the universe, should it support her unjust pretensions. I will not abate any part of my system.”

Yet in one respect he made a concession. He no longer required a declaration of war from the United

¹ Napoleon to Champagny, July 11, 1808; Correspondance, xvii. 364.

² Armstrong to Jefferson, July 28, 1808; Jefferson MSS.

States. The embargo seemed to him, as to Jefferson, an act of hostility to England which answered the immediate wants of France. In the report on foreign relations, dated Sept. 1, 1808, Napoleon expressed publicly his approval of the embargo:—

“The Americans, — this people who placed their fortune, their prosperity, and almost their existence in commerce, — have given the example of a great and courageous sacrifice. By a general embargo they have interdicted all commerce, all exchange, rather than shamefully submit to that tribute which the English pretend to impose on the shipping of all nations.”

Armstrong, finding that his advice was not even considered at home, withdrew from affairs. After obeying his instructions of May 2, and recording the conventional protest against Napoleon's uncivil tone,¹ he secluded himself, early in August, at the baths of Bourbon l'Archambault, one hundred and fifty miles from Paris, and nursed his rheumatism till autumn. Thither followed him instructions from Madison, dated July 21,² directing him to present the case of the burned vessels “in terms which may awaken the French government to the nature of the injury and the demands of justice;” but the limit of Armstrong's patience was reached, and he flatly refused to obey. Any new experiment made at that

¹ Armstrong to Champagny, July 4, 1808; *State Papers*, iii. 254.

² Madison to Armstrong, July 21, 1808; *State Papers*, iii. 254.

moment, he said, would certainly be useless and perhaps injurious : —

“ This opinion, formed with the utmost circumspection, is not only a regular inference from the ill success of my past endeavors, which have hitherto produced only palliations, and which have latterly failed to produce these, but a direct consequence of the most authentic information that the Emperor does not, on this subject and at this time, exercise even the small degree of patience proper to his character.” ¹

Finally Armstrong summed up the results of Jefferson's policy so far as France was concerned, in a letter ² dated August 30, which carried candor to the point of severity : —

“ We have somewhat overrated our means of coercing the two great belligerents to a course of justice. The embargo is a measure calculated above any other to keep us whole and keep us in peace ; but beyond this you must not count upon it. Here it is not felt, and in England . . . it is forgotten. I hope that unless France shall do us justice we will raise the embargo, and make in its stead the experiment of an armed commerce. Should she adhere to her wicked and foolish measures, we ought not to content ourselves with doing this. There is much, very much, besides that we can do ; and we ought not to omit doing all we can, because it is believed here that we cannot do much, and even that we will not do what we have the power of doing.”

¹ Armstrong to Madison, Aug. 28, 1808; MSS. State Department Archives.

² Armstrong to Madison, Aug. 30, 1808 ; State Papers, iii. 256.

Fortunately for Jefferson, the answer made by Spain, May 2, to Napoleon's orders was not couched in the terms which the United States government used on the same day. Joseph Bonaparte, entering his new kingdom, found himself a king without subjects. Arriving July 20 at Madrid, Joseph heard nothing but news of rebellion and disaster. On that day some twenty thousand French troops under General Dupont, advancing on Seville and Cadiz, were surrounded in the Sierra Morena, and laid down their arms to a patriot Spanish force. A few days afterward the French fleet at Cadiz surrendered. A patriot Junta assumed the government of Spain. Quick escape from Madrid became Joseph's most pressing necessity if he were to save his life. During one July week he reigned over his gloomy capital, and fled, July 29, with all the French forces still uncaptured, to the provinces beyond the Ebro.

This disaster was quickly followed by another. Junot and his army, far beyond support at Lisbon, suddenly learned that a British force under Arthur Wellesley had landed, August 1, about one hundred miles to the north of Lisbon, and was marching on that city. Junot had no choice but to fight, and August 21 he lost the battle of Vimiciro. August 30, at Cintra, he consented to evacuate Portugal, on condition that he and his twenty-two thousand men should be conveyed by sea to France.

Never before in Napoleon's career had he received two simultaneous shocks so violent. The whole of

Spain and Portugal, from Lisbon to Saragossa, by a spasmodic effort freed itself from Bonaparte or Bourbon; but this was nothing,—a single campaign would recover the peninsula. The real blow was in the loss of Cadiz and Lisbon, of the fleets and work-shops that were to restore French power on the ocean. Most fatal stroke of all, the Spanish colonies were thenceforward beyond reach, and the dream of universal empire was already dissolved into ocean mist. Napoleon had found the limits of his range, and saw the power of England rise, more defiant than ever, over the ruin and desolation of Spain.

CHAPTER XIV.

WHEN Parliament met Jan. 21, 1808, the paroxysm of excitement which followed the "Chesapeake" affair and the attack on Copenhagen had begun to subside. War with America was less popular than it had been six months before. The "Morning Post"¹ exhorted the British public to maintain "that sublime pitch" from which all opposition was to be crushed; but the Whigs came to Parliament eager for attack, while Perceval and Canning had exhausted their energies, and were thrown back on a wearisome defensive.

The session — which lasted from January 21 to July 4 — was remarkable chiefly for an obstinate struggle over the Orders in Council. Against Perceval's commercial measures the Whigs bent the full strength of their party; and this strength, so far as intelligence was concerned, greatly outmatched that of the Ministry. New men made reputations in the conflict. In January, 1808, Alexander Baring — then about thirty-four years of age, not yet in Parliament, but second to no English merchant in standing

¹ The Morning Post, Jan. 16, 1808.

—published a pamphlet, in reply to Stephen's "War in Disguise;" and his superior knowledge and abilities gave, for the first time since 1776, solid ground of support to American influence in British politics. Side by side with Baring, a still younger man thrust himself into public notice by force of qualities which for half a century were to make him the object of mixed admiration and laughter. The new American champion, Henry Brougham, a native of Edinburgh, thirty years of age, like many other Scotch lawyers had come to seek and find at Westminster the great prize of his profession. Like Baring, Brougham was not yet in Parliament; but this obstacle — which would have seemed to most men final — could not prevent him from speaking his mind, even in presence of the House.

Lord Grenville began the attack, and Canning the defence, on the first day of the session; but not until after January 27, when news of the embargo arrived, and all immediate danger of war vanished, did the situation become clear. February 5 the debate began. The Whigs found that Perceval met their assaults on the character and policy of his orders by quotations from Lord Howick's Order, which the Whigs only twelve months before had issued and defended as an act of retaliation. Narrow as this personal rejoinder might be, it was fatal to the Whig argument. Baring and Brougham might criticise Spencer Perceval; but Lord Grenville and Lord Howick had enough to do in explaining their own

words. The more vehement they became, the more obstinately their opponents persevered in holding them to this single point.

Yet the issue the Whigs wished to make was fairly met. Government showed remarkable candor in avowing the commercial object of the so-called retaliation. Admitting that even if Napoleon had issued no decrees England might have been obliged to enforce the Rule of 1756, Spencer Perceval declared that after the Berlin Decree a much stronger measure was necessary in order to protect British commerce. Lord Bathurst, Lord Hawkesbury, and Lord Castlereagh took the same tone. Their argument, carried to its ultimate conclusion, implied that Great Britain might lawfully forbid every other nation to trade with any country that imposed a prohibitive duty on British manufactures. Not even a state of war seemed essential to the soundness of the principle.

Already Lord Grenville had declared that "this principle of forcing trade into our markets would have disgraced the darkest ages of monopoly,"¹ when March 8 Lord Erskine spoke in support of a series of resolutions condemning the orders as contrary to the Constitution, the laws of the realm, and the rights of nations, and a violation of Magna Charta. With especial energy he declaimed against Perceval's favorite doctrine of retaliation as applied to the protection of British commerce. Lord Erskine, like Lord Grenville, never spared epithets.

¹ Colbëtt's Debates, x. 482, 483.

“It is indeed quite astonishing,” he said,¹ “to hear the word ‘retaliation’ twisted and perverted in a manner equally repugnant to grammar and common-sense. . . . It is a new application of the term, that if A strikes me, I may retaliate by striking B. . . . I cannot, my Lords, conceive anything more preposterous and senseless than the idea of retaliation upon a neutral on whom the decree has never been executed, because it is only by its execution on him that we can be injured.”

Erskine supported his positions by a long professional argument. Lord Chancellor Eldon replied by developing international law in a direction till then unexplored.²

“I would beg the House to consider what is meant by the law of nations,” he began. “It is formed of an accumulation of the dicta of wise men in different ages, and applying to different circumstances, but none resembling in any respect such a state of things as at present exists in the face of the world. Indeed, none of the writers upon the subject of this law appear to have such a state in their contemplation. But yet nothing is to be found in their writings which does not fully warrant the right of self-defence and retaliation. Upon that right the present ministers acted in advising those Orders in Council, and upon the same right their predecessors issued the order of the 7th of January.”

The doctrine that because international law wanted the sanction of a well-defined force it was, strictly speaking, no law at all, was naturally favored by the

¹ Cobbett's Debates, x. 937, 938.

² Cobbett's Debates, x. 971.

school of common law ; but Lord Eldon's doctrine went further, for he created a sanction of one-sided force by which international law might supersede its own principles. His brother, Sir William Scott, carried out the theory by contending in the House of Commons that "even if the French Decree was not acted upon (which rested with the other party to prove), it was nevertheless an injury, because it was an insult to the country,"¹ — a dictum which could hardly find a parallel as the foundation for an attack on the rights and property of an innocent third party.

Erskine's Resolutions were of course rejected ; but meanwhile the merchants of the chief cities began to protest. As the bill for carrying the orders into effect came to its engrossment, March 7, the resistance became hot. March 11 the bill passed the House by a vote of 168 to 68 ; but Brougham had yet to be heard, and no ordinary power was capable of suppressing Henry Brougham. As counsel for the American merchants of Liverpool, Manchester, and London, he appeared March 18 at the bar of the House, and for the next fortnight occupied most of its time in producing testimony to prove that the orders had ruinously affected the commercial interest. April 1 he summed up the evidence in a speech of three hours, which James Stephen thought pernicious and incendiary.² Perceval was obliged to

¹ Cobbett's Debates, x. 1066.

² Brougham to Grey, April 21, 1808; Brougham's Memoirs, i. 399.

produce witnesses on the other side; and Stephen, who had been brought into Parliament for the purpose, devoted himself to the task of proving that the orders had as yet been allowed no chance to produce any effect whatever, and that the commercial distress was due to the recent enforcement of the Berlin Decree. That much distress existed no one denied; but its causes might well be matter of dispute; and Parliament left the merchants to decide the point as they pleased. Brougham's inquiry had no other effect.

Pinkney's dealings with Canning were equally fruitless. January 26, when Pinkney received official news of the embargo, he went instantly to Canning, "who received my explanations with great apparent satisfaction, and took occasion to express the most friendly disposition toward our country."¹ Pinkney used this opportunity to remonstrate against the tax imposed on American cotton by the Orders in Council. A week afterward Canning sent for him, and gravely suggested a friendly arrangement. He wished to know Pinkney's private opinion whether the United States would prefer an absolute interdict to a prohibitory duty on cotton intended for the continent.² The sting of this inquiry rested not so much in the alternative thus presented as in the seriousness with which Canning insisted that his overture was a concession to America. With all his wit, as Lord

¹ Pinkney to Madison, Jan. 26, 1808; State Papers, iii. 206.

² Pinkney to Madison, Feb. 2, 1808; State Papers, iii. 207.

Castlereagh soon had reason to learn, Canning could not quite acquire tact or understand the insults he offered. Pinkney tried, with much good temper, to make him aware that his offer was in bad taste; but nothing could stop him in the path of conciliation, and February 22 he addressed to Pinkney a note announcing that the British government meant to prohibit the export of American cotton to the continent of Europe.

"I flatter myself," he continued,¹ "that this alteration in the legislative regulations by which the Orders of Council are intended to be carried into execution, will be considered by you as a satisfactory evidence of the disposition of his Majesty's government to consult the feelings as well as the interests of the United States in any manner which may not impair the effect of that measure of commercial restriction to which the necessity of repelling the injustice of his enemies has compelled his Majesty reluctantly to have recourse."

"One object of all this is certainly to conciliate us," wrote Pinkney to Madison.² On the day of Canning's note Spencer Perceval carried out the promise by moving the House for leave to bring in a bill prohibiting the export of cotton, except by license. At the same time he extended the like prohibition to Jesuit's bark, or quinine. Impervious to indignation and ridicule,—caring as little for the laughter of Sydney Smith as for the wrath of Lord Grenville,—

¹ Canning to Pinkney, Feb. 22, 1808; State Papers, iii. 208.

² Pinkney to Madison, Feb. 23, 1808; State Papers, iii. 208.

Perceval pushed all his measures through Parliament, and by the middle of April succeeded in riveting his restrictive system on the statute-book. No power short of a new political revolution could thenceforward shake his grasp on American commerce.

Yet Perceval felt and dreaded the effects of the embargo, which threatened to paralyze the healthiest industries of England. To escape the effects of this weapon Perceval would have made every possible concession short of abandoning his great scheme of restrictive statesmanship. March 26 he submitted to his colleagues a paper containing suggestions on this point.¹ "It must be admitted," he began, "that it is extremely desirable that America should relax her embargo at least as far as respects the intercourse with this country." The Americans submitted to it with reluctance, chiefly because they feared the seizure of their vessels in case England or France should declare war. To profit by this situation Perceval proposed a new order, which should guaranty the safety of every merchant-vessel, neutral or belligerent, on a voyage to or from a British port. The advantages of this step were political as well as commercial. The British ministry was disposed to meet the wishes of the Boston Federalists. Such an order, Perceval said, "would have the appearance of a friendly act on the part of this government toward America, and would increase the embarrassment and

¹ Suggestions by S. P. for a Supplementary Order in Council, March 26, 1808; Perceval MSS.

difficulties of that government in prevailing upon their subjects to submit to the embargo."

Lord Bathurst approved the suggestion ; Lord Castlereagh opposed it, for reasons best given in his own words :¹ —

" If the only object to be aimed at in conducting ourselves toward America was to force the abrogation of the embargo, I agree with Mr. Perceval that the proposed measure would make it more difficult for the American government to sustain it ; but in yielding so far to the popular feeling the governing party would still retain much of their credit, and they would continue to act on all the unsettled questions between the two countries in their past spirit of hostility to Great Britain and partiality to France. I think it better to leave them with the full measure of their own difficulties to lower and degrade them in the estimation of the American people. The continuance of the embargo for some time is the best chance of their being destroyed *as a party* ; and I should prefer exposing them to the disgrace of rescinding their own measure at the demand of their own people than furnish them with any creditable pretext for doing so. I look upon the embargo as operating at present more forcibly in our favor than any measure of hostility we could call forth were war actually declared, and doubt the policy of exhibiting too great an impatience on our part of its continuance, which so strong a departure from our usual practice toward neutrals would indicate."

Secretary Canning wrote to his colleague in accord with Castlereagh's views.²

¹ Opinion of Lord Castlereagh, March-April, 1808 ; Perceval MSS.

² Opinion of Mr. Canning, March 28, 1808 ; Perceval MSS.

“It is so plain upon the face of this measure,” began Canning, “that however comprehensive it may be made in words, it *in fact* refers to America *only*; and the embargo in America seems to be working so well for us, without our interference, that on that ground alone I confess I could wish that no new steps should be taken, at least till we have more certain information of the real issue of the present crisis in America. I have no apprehension whatever of a war with the United States. . . . Above all things I feel that *to do nothing now*, at this precise moment, — absolutely nothing, — is the wisest, safest, and most manful policy. The battle about the Orders in Council is just fought. They are established as a system. We have reason to hope that they are working much to good, and very little to mischief. Every day may be expected to bring additional proofs of this. But whether this be true to the extent that we hope or no, their effects, whatever they are, have been produced in America. Nothing that we now do can alter those effects; but an attempt to do something will perplex the view of them which we shall otherwise have to present to the country in so short a time, and which there is so much reason to believe will be highly satisfactory.”

Perceval, was less certain than Canning that the country would feel high satisfaction with the effect of the orders; and he rejoined by an argument which overthrew opposition: —

“The reason which strongly urges me to continue the circulation of this paper, after having read Mr. Canning’s paper, in addition to those already stated, is the apprehension I feel of the want of provision not only for Sweden, but for the West Indies; and therefore every

possible facility or encouragement which we could give to prevail upon the American people either to evade the embargo by running their produce to the West Indian Islands, or to compel their government to relax it, would in my opinion be most wise."

The order was accordingly issued. Dated April 11, 1808,¹ it directed British naval commanders to molest no neutral vessel on a voyage to the West Indies or South America, even though the vessel should have no regular clearances or papers, and "notwithstanding the present hostilities, or any future hostilities that may take place." No measure of the British government irritated Madison more keenly than this. "A more extraordinary experiment," he wrote to Pinkney,² "is perhaps not to be found in the annals of modern transactions." Certainly governments did not commonly invite citizens of friendly countries to violate their own laws; but one avowed object of the embargo was to distress the British people into resisting their government, and news that the negroes of Jamaica and the artisans of Yorkshire had broken into acts of lawless violence would have been grateful to the ears of Jefferson. So distinct was this object, and so real the danger, that Perceval asked Parliament³ to restrict the consumption of grain in the distilleries in order to counter-vail the loss of American wheat and avert a famine.

¹ American State Papers, iii. 281.

² Madison to Pinkney, July 18, 1808; State Papers, iii. 224.

³ Cobbett's Debates, xi. 536.

The price of wheat had risen from thirty-nine to seventy-two shillings a quarter, and every farmer hoped for a rise above one hundred shillings, as in 1795 and 1800. Disorders occurred ; lives were lost ; the embargo, as a coercive measure, pressed severely on British society ; and Madison, with such a weapon in his hand, could not require Perceval to perceive the impropriety of inviting a friendly people to violate their own laws.

The exact cost of the embargo to England could not be known. The total value of British exports to America was supposed to be nearly fifty million dollars ; but the Americans regularly re-exported to the West Indies merchandise to the value of ten or fifteen millions. The embargo threw this part of the trade back into British hands. The true consumption of the United States hardly exceeded thirty-five million dollars, and was partially compensated to England by the gain of freights, the recovery of seamen, and by smuggling consequent on the embargo. Napoleon's decrees must in any case have greatly reduced the purchasing power of America, and had in fact already done so. Perhaps twenty-five million dollars might be a reasonable estimate for the value of the remaining trade which the embargo stopped ; and if the British manufacturers made a profit of twenty per cent on this trade, their loss in profits did not exceed five million dollars for the year, — a sum not immediately vital to English interests at a time when the annual expenditure

reached three hundred and fifty million dollars, and when, as in 1807, the value of British exports was reckoned at nearly two hundred million dollars. Indeed, according to the returns, the exports of 1808 exceeded those of 1807 by about two millions.

Doubtless the embargo caused suffering. The West Indian negroes and the artisans of Staffordshire, Lancashire, and Yorkshire were reduced to the verge of famine; but the shipowners rejoiced, and the country-gentleman and farmers were enriched. So ill balanced had the British people become in the excitement of their wars and industries that not only Cobbett but even a man so intelligent as William Spence undertook to prove¹ that foreign commerce was not a source of wealth to England, but that her prosperity and power were derived from her own resources, and would survive the annihilation of her foreign trade. James Mill replied² at great length to the eccentricities of Spence and Cobbett, which the common-sense of England would in ordinary times have noticed only with a laugh.

The population of England was about ten millions. Perhaps two millions were engaged in manufactures. The embargo by raising the price of grain affected them all, but it bore directly on about one tenth of them. The average sum expended on account of the poor was £4,268,000 in 1803 and 1804; it was

¹ Britain Independent of Commerce, by William Spence (London), 1808.

² Commerce Defended, by James Mill (London), 1808.

£5,923,000 in 1811; and in 1813, 1814, and 1815, when the restrictive system had produced its full effect, the poor-rates averaged £6,130,000. The increase was probably due to the disturbance of trade and was accompanied by a state of society bordering on chronic disorder.

Probably at least five thousand families of working-men were reduced to pauperism by the embargo and the decrees of Napoleon; but these sufferers, who possessed not a vote among them and had been in no way party to the acts of either government, were the only real friends whom Jefferson could hope to find among the people of England; and his embargo ground them in the dust in order to fatten the squires and ship-owners who had devised the Orders in Council. If the English laborers rioted, they were shot: if the West Indian slaves could not be fed, they died. The embargo served only to lower the wages and the moral standard of the laboring classes throughout the British empire, and to prove their helplessness.

Each government thus tried to overthrow the other; but that of England was for the moment the more successful. The uneducated force of democracy seemed about to break against the strength of an aristocratic system. When Parliament rose, July 4, domestic opposition was silenced, and nothing remained but to crush the resistance of America,—a task which all advices from the United States showed to be easy; while as though to make ministers invulnerable, Spain suddenly opened her arms to Eng-

land, offering new markets that promised boundless wealth. At this unexpected good fortune England went well-nigh mad; and the Spanish revolution, which was in truth a gain to democracy, seemed to strike Jefferson a mortal blow. During the month of July, 1808, Canning and his colleagues exulted over Europe and America alike, looking down on Jefferson and his embargo with the disgust and horror which they might have felt for some monster of iniquity like the famous butcher of the Marrs, who was to rouse the shudders of England during these lurid years. According to Canning, Napoleon's system was already "broken up into fragments utterly harmless and contemptible."¹ According to Henry Brougham,² hardly ten men could be found in London who did not believe Bonaparte utterly broken, or think him worth paying one hundred pounds a year to live in retirement at Ajaccio the rest of his life. America was still more contemptible, and equally hated. Early in August, at a great dinner given at the London Tavern to the Spanish patriots, Sir Francis Baring, of the house of Baring Brothers, — a man who for a whole generation had stood at the head of British merchants, — proposed as chairman, among the regular toasts, the health of the President of the United States, and his voice was instantly drowned in hisses and protests. Jefferson,

¹ Canning to Pinkney, Sept. 23, 1808 ; State Papers, iii. 231.

² Brougham to Grey, July 2, 1808 ; Brougham's *Memoirs*, i. 405.

thanks to the slanders of Pickering and the Federalists, stood before England in the attitude of a foiled cutthroat, at the moment when by his order the American minister in London came to the British Foreign Office with a request that the Orders in Council should be withdrawn.

“That the Orders in Council did not produce the embargo, that they were not substantially known in America when the embargo took place,”¹ was the burden of Canning’s and Castlereagh’s constant charge against the United States government. Canning was one of six or eight men in the world who might with truth have said that they knew the orders to have produced the embargo. He alone could have proved it by publishing Erskine’s official evidence ;² but he preferred to support Timothy Pickering and Barent Gardenier in persuading the world that Jefferson’s acts were dictated from Paris, and that their only motive was the assassination of England. “Nor, sir, do I think,” continued Canning before the whole House of Commons, “that the Orders in Council themselves could have produced any irritation in America. . . . Since the return of Mr. Rose no communication has been made by the American government in the form of complaint, or remonstrance, or irritation, or of any description whatever.” With infinite industry the assertions of Pickering and Gar-

¹ Speech of Mr. Canning, June 24, 1808; Cobbett’s Debates, xi. 1050.

² See pp. 175, 176.

denier, of John Randolph and of the Boston newspapers and pamphlets, were reprinted and circulated in London. "Your modesty would suffer," wrote Rose to Pickering,¹ "if you were aware of the sensation produced in this country by the publication of a letter from a senator of Massachusetts to his constituents."

Every American slander against Jefferson was welcomed in England, until Pinkney asked Madison in disgust, "Have you prohibited the exportation of all pamphlets which uphold our rights and honor?"² The English people could hardly be blamed if they became almost insane under the malice of these falsehoods, for no whisper of Iago was more poisonous than Canning's innuendoes. Believing Jefferson to be in secret league with Napoleon, they insisted that the United States should be punished for the treason Jefferson had planned. Joseph Marriatt, a prominent member of Parliament, in a pamphlet³ published in August, reminded President Jefferson of the fate of the late Czar Paul. The feeling of society was so bitter that by tacit agreement America ceased to be talked about; no one ventured longer to defend her.

In June Pinkney received instructions, dated April 30,⁴ authorizing him to offer a withdrawal of the em-

¹ Rose to Pickering, May 8, 1808; *New England Federalism*, p. 371.

² Wheaton's *Life of Pinkney*, p. 91.

³ *Hints to both Parties* (London), 1808, pp. 64, 65.

⁴ Madison to Pinkney, April 30, 1808; *State Papers*, iii. 222.

bargo on condition that England should withdraw the Orders in Council. In the situation of English feeling such an offer was almost an invitation to insult, and Pinkney would have gladly left it untouched. He tried to evade the necessity of putting it in writing; but Canning was inexorable. From week to week Pinkney postponed the unpleasant task. Not until August 23 did he write the note which should have been written in June. No moment could have been more unfortunate; for only two days before, Arthur Wellesley had defeated Junot at Vimieiro; and August 30 Junot capitulated at Cintra. The delirium of England was higher than ever before or since.

September 23 Canning replied.¹ Beginning with a refusal to admit the President's advance, his note went on to discuss its propriety. "His Majesty," it said, "cannot consent to buy off that hostility which America ought not to have extended to him, at the expense of a concession made, not to America, but to France." Canning was a master of innuendo; and every sentence of his note hinted that he believed Jefferson to be a tool of Napoleon; but in one passage he passed the bounds of official propriety: —

"The Government of the United States is not to be informed that the Berlin Decree of Nov. 21, 1806, was the practical commencement of an attempt, not merely to check or impair the prosperity of Great Britain, but utterly to annihilate her political existence through the

¹ Canning to Pinkney, Sept. 23, 1808; State Papers, iii. 231.

ruin of her commercial prosperity; that in this attempt almost all the Powers of the European continent have been compelled more or less to co-operate; and that the American embargo, though most assuredly not intended to that end,—for America can have no real interest in the subversion of the British power, and her rulers are too enlightened to act from any impulse against the real interests of their country,—but by some unfortunate concurrence of circumstances, without any hostile intention, the American embargo did come in aid of the ‘blockade of the European continent’ precisely at the very moment when if that blockade could have succeeded at all, this interposition of the American government would most effectually have contributed to its success.”

Like his colleague Lord Castlereagh, Canning deliberately tried to “lower and degrade” the American government in the eyes of its own people. His defiance was even more emphatic than his sarcasm.

“To this universal combination,” he continued, “his Majesty has opposed a temperate but a determined retaliation upon the enemy,—trusting that a firm resistance would defeat this project, but knowing that the smallest concession would infallibly encourage a perseverance in it.

“The struggle has been viewed by other Powers not without an apprehension that it might be fatal to this country. The British government has not disguised from itself that the trial of such an experiment might be arduous and long, though it has never doubted of the final issue. But if that issue, such as the British government confidently anticipated, has providentially arrived much sooner than could even have been hoped; if ‘the block-

ade of the Continent,' as it has been triumphantly styled by the enemy, is raised even before it had been well established; and if that system, of which extent and continuity were the vital principles, is broken up into fragments utterly harmless and contemptible, — it is, nevertheless, important in the highest degree to the reputation of this country (a reputation which constitutes a great part of her power), that this disappointment of the hopes of her enemies should not have been purchased by any concession; that not a doubt should remain to distant times of her determination and of her ability to have continued her resistance; and that no step which could even mistakenly be construed into concession should be taken on her part while the smallest link of the confederacy remains undissolved, or while it can be a question whether the plan devised for her destruction has or has not either completely failed or been unequivocally abandoned."

With this sweeping assertion of British power Canning might well have stopped; but although he had said more than enough, he was not yet satisfied. His love of sarcasm dragged him on. He thought proper to disavow the wish to depress American prosperity, and his disavowal was couched in terms of condescension as galling as his irony; but in one paragraph he concentrated in peculiar force the worst faults of his character and taste: —

"His Majesty would not hesitate to contribute, in any manner in his power, to restore to the commerce of the United States its wonted activity; and if it were possible to make any sacrifice for the repeal of the embargo

without appearing to deprecate it as a measure of hostility, he would gladly have facilitated its removal as a measure of inconvenient restriction upon the American people."

Earl Grey, although he approved of rejecting the American offer, wrote to Brougham that in this note Canning had outdone himself.¹ No doubt his irony betrayed too much of the cleverness which had been so greatly admired by Eton schoolboys; but it served the true purpose of satire,—it stung to the quick, and goaded Americans into life-long hatred of England. Pinkney, whose British sympathies had offered long resistance to maltreatment, fairly lost his temper over this note. "Insulting and insidious," he called it in his private correspondence with Madison.² He was the more annoyed because Canning wrote him an explanatory letter of the same date which gave a personal sting to the public insult.³ "I feel that it is not such a letter as I could have persuaded myself to write in similar circumstances," he complained.⁴

Pinkney's abilities were great. In the skirmish of words in which Canning delighted, Pinkney excelled; and in his later career at the bar, of which

¹ Grey to Brougham, Jan. 3, 1809; Brougham's *Memoirs*, i. 397.

² Pinkney to Madison, Oct. 11, 1808; Wheaton's *Pinkney*, p. 412.

³ Canning to Pinkney, Sept. 23, 1808; *State Papers*, iii. 230.

⁴ Pinkney to Madison, Nov. 2, 1808; Wheaton's *Pinkney*, p. 416.

he was the most brilliant leader, and in the Senate, where he was heard with bated breath, he showed more than once a readiness to overbear opposition by methods too nearly resembling those of Canning; but as a diplomatist he contented himself with preserving the decorous courtesy which Canning lacked. He answered the explanatory letter of September 23 with so much skill and force that Canning was obliged to rejoin; and the rejoinder hardly raised the British secretary's reputation.¹

With this exchange of notes, the diplomatic discussion ended for the season; and the packet set sail for America, bearing to Jefferson the news that his scheme of peaceable coercion had resulted in a double failure, which left no alternative but war or submission.

¹ Pinkney to Canning, Oct. 10, 1808; State Papers, iii. 233. Canning to Pinkney, Nov. 22, 1808; State Papers, iii. 237.

CHAPTER XV.

EARLY in August, at the time when public feeling against the embargo was beginning to turn into personal hatred of Jefferson, news of the Spanish outbreak reached America, and put a new weapon into Federalist hands. The embargo, in its effects upon Spain and her colonies was a powerful weapon to aid Napoleon in his assault on Spanish liberty and in his effort to gain mastery of the ocean. In an instant England appeared as the champion of human liberty, and America as an accomplice of despotism. Jefferson, in his pursuit of Florida, lost what was a thousand times more valuable to him than territory,—the moral leadership which belonged to the head of democracy. The New England Federalists seized their advantage, and proclaimed themselves the friends of Spain and freedom. Their press rang with denunciations of Napoleon, and of Jefferson his tool. For the first time in many years the Essex Junto stood forward as champions of popular liberty.

So deeply mired was Jefferson in the ruts of his Spanish policy and prejudices that he could not at once understand the revolution which had taken place. On hearing the earlier reports of Spanish

resistance his first thought was selfish. "I am glad to see that Spain is likely to give Bonaparte employment. *Tant mieux pour nous !*"¹ To each member of his Cabinet he wrote his hopes :²—

"Should England make up with us, while Bonaparte continues at war with Spain, a moment may occur when we may without danger of commitment with either France or England seize to our own limits of Louisiana as of right, and the residue of the Floridas as reprisals for spoliations. It is our duty to have an eye to this in rendezvousing and stationing our new recruits and our armed vessels, so as to be ready, if Congress authorizes it, to strike in a moment."

The victories at Bailen and Vimieiro, the flight of Joseph from Madrid, the outburst of English enthusiasm for Spain, and the loud echo from New England, in the anxieties of a general election, brought the President to wider views. October 22 the Cabinet debated the subject, arriving at a new result, which Jefferson recorded in his memoranda :³—

"Unanimously agreed in the sentiments which should be unauthoritatively expressed by our agents to influential persons in Cuba and Mexico ; to wit : 'If you remain under the dominion of the kingdom and family of Spain, we are contented ; but we should be extremely unwilling to see you pass under the dominion or ascendancy of

¹ Jefferson to Robert Smith, Aug. 9, 1808; Writings, v. 335.

² Jefferson to Dearborn, Aug. 12, 1808; Writings, v. 338. Jefferson to Gallatin, v. 338. Jefferson to R. Smith, v. 337. Jefferson to Madison, v. 339.

³ Cabinet Memoranda ; Writings (Ford), i. 334.

France or England. In the latter case, should you choose to declare independence, we cannot now commit ourselves by saying we would make common cause with you, but must reserve ourselves to act according to the then existing circumstances; but in our proceedings we shall be influenced by friendship to you, by a firm feeling that our interests are intimately connected, and by the strongest repugnance to see you under subordination to either France or England, either politically or commercially.’”

No allusion to Florida was made in this outline of a new policy, and none was needed, for Florida would obviously fall to the United States. The Spanish patriots,—who were as little disposed as Don Carlos IV. and the Prince of Peace to see their empire dismembered, and who knew as well as Godoy and Cevallos the motives that controlled the United States government,—listened with only moderate confidence to the protests which Jefferson, through various agents, made at Havana, Mexico, and New Orleans.

“The truth is that the patriots of Spain have no warmer friends than the Administration of the United States,” began the President’s instructions to his agents;¹ “but it is our duty to say nothing and to do nothing for or against either. If they succeed, we shall be well satisfied to see Cuba and Mexico remain in their present dependence, but very unwilling to see them in that of France or England, politically or commercially. We consider their interests and ours as the same, and that the

¹ Jefferson to Claiborne, Oct. 29, 1808; Writings, v. 381.

object of both must be to exclude all European influence from this hemisphere."

The patriotic junta at Cadiz, which represented the empire of Spain, could hardly believe in the warm friendship which admitted its object of excluding them from influence over their own colonies. In private, Jefferson avowed¹ that American interests rather required the failure of the Spanish insurrection. "Bonaparte, having Spain at his feet, will look immediately to the Spanish colonies, and think our neutrality cheaply purchased by a repeal of the illegal parts of his decrees, with perhaps the Floridas thrown into the bargain." In truth, Jefferson and the Southern interest cared nothing for Spanish patriotism; and their indifference was reflected in their press. The independence of the Spanish colonies was the chief object of American policy; and the patriots of Spain had no warmer friends than the Administration of the United States so far as they helped and hurried this great catastrophe; but beyond this purpose Jefferson did not look.

In the Eastern States the Democratic and Southern indifference toward the terrible struggle raging in Spain helped to stimulate the anger against Jefferson, which had already swept many firm Republicans into sympathy with Federalism. In their minds indifference to Spain meant submission to Napoleon and hatred of England; it proved the true motives which had induced the President to suppress Mon-

¹ Jefferson to Monroe, Jan. 28, 1809; Writings, v. 419.

roe's treaty and to impose the Non-importation Act and the embargo; it called for vehement, universal, decisive protest. The New England conscience, which had never submitted to the authority of Jefferson, rose with an outburst of fervor toward the Spaniards, and clung more energetically than ever to the cause of England, — which seemed at last, beyond the possibility of doubt, to have the sanction of freedom. Every day made Jefferson's position less defensible, and shook the confidence of his friends.

With the sanguine temper which had made him victorious in so many trials, the President hoped for another success. He still thought that England must yield under the grinding deprivations of the embargo, and he was firm in the intention to exact his own terms of repeal. Pinkney's earlier despatches offered a vague hope that Canning might withdraw the orders; and at this glimpse of sunshine Jefferson's spirits became buoyant.

“If they repeal their orders, we must repeal our embargo; if they make satisfaction for the ‘Chesapeake,’ we must revoke our proclamation, and generalize its application by a law; if they keep up impressments, we must adhere to non-intercourse, manufactures, and a Navigation Act.”¹

Canning was not altogether wrong in thinking that concession by Great Britain would serve only to establish on a permanent footing the system of peaceable coercion.

¹ Jefferson to Madison, Sept. 6, 1808; Writings, v. 361.

The first blow to the President's confidence came from France. Armstrong's letters gave no hope that Napoleon would withdraw or even modify his decrees.

"We must therefore look to England alone," wrote Madison September 14,¹ "for the chances of disembarassment, — and look with the greater solicitude as it seems probable that nothing but some striking proof of the success of the embargo can arrest the successful perversion of it by its enemies, or rather the enemies of their country."

To England, accordingly, the President looked for some sign of successful coercion, — some proof that the embargo had been felt, or at least some encouragement to hold that its continuance might save him from the impending alternative of submission or war; and he had not long to wait. The "Hope," bringing Canning's letters of September 23, made so quick a voyage that Pinkney's despatches came to hand October 28, as the President was preparing his Annual Message to Congress for its special meeting November 7.

Had Canning chosen the moment when his defiance should have most effect, he would certainly have selected the instant when the elections showed that Jefferson's authority had reached its limit. Friends and enemies alike united in telling the President that his theory of statesmanship had failed, and must be thrown aside. The rapid decline of his authority

¹ Madison to Jefferson, Sept. 14, 1808; Jefferson MSS.

was measured by the private language of representative men, speaking opinions not meant for popular effect. In the whole Union no men could be found more distinctly representative than Wilson Cary Nicholas, James Monroe, John Marshall, and Rufus King. Of these, Nicholas was distinguished as being the President's warm and sympathetic friend, whose opinions had more weight, and whose relations with him were more confidential, than those of any other person not in the Cabinet; but even Nicholas thought himself required to prepare the President's mind for abandoning his favorite policy.

"If the embargo could be executed," wrote Nicholas October 20,¹ "and the people would submit to it, I have no doubt it is our wisest course; but if the complete execution of it and the support of the people cannot be counted upon, it will neither answer our purpose nor will it be practicable to retain it. Upon both these points I have the strongest doubts. . . . What the alternative ought to be, I cannot satisfy myself. I see such difficulties at every turn that I am disposed to cling to the embargo as long as there is anything to hope from it; and I am unwilling to form an opinion until I have the aid of friends upon whom I rely, and who are more in the way of information."

This admission of helplessness coming from the oldest Virginian Republicans betrayed the discouragement of all Jefferson's truest friends, and accorded with the language of Monroe, who whatever

¹ W. C. Nicholas to Jefferson, Oct. 20, 1808; Jefferson MSS.

might be his personal jealousies was still Republican in spirit. After his return from England, at the moment when his attitude toward the Administration was most threatening, both Jefferson and Madison had made efforts, not without success, to soothe Monroe's irritation; and in the month of February Jefferson had even written to him a letter of friendly remonstrance, to which Monroe replied, admitting that he had been "deeply affected" by his recall, and had freely expressed his feelings. The correspondence, though long and not unfriendly, failed to prevent Monroe from appearing as a rival candidate for the Presidency. One of his warmest supporters was Joseph H. Nicholson, to whom he wrote, September 24, a letter which in a different tone from that of Wilson Cary Nicholas betrayed the same helplessness of counsel:¹—

"We seem now to be approaching a great crisis. Such is the state of our affairs, and such the commitment of the Administration at home and abroad by its measures, that it seems likely that it will experience great difficulty in extricating itself. . . . We are invited with great earnestness to give the incumbents all the support we can,—by which is meant to give them our votes at the approaching election; but it is not certain that we could give effectual support to the person in whose favor it is requested, or that it would be advisable in any view to yield it. While we remain on independent ground, and give support where we think it is due,

¹ Monroe to Joseph H. Nicholson, Sept. 24, 1808; Nicholson MSS.

we preserve a resource in favor of free government within the limit of the Republican party. Compromit ourselves in the sense proposed, and that resource is gone. After what has passed, it has no right to suppose that we will, by a voluntary sacrifice, consent to bury ourselves in the same tomb with it."

If Wilson Cary Nicholas and James Monroe stood in such attitudes toward the Administration, admitting or proclaiming that its policy had failed, and that it could command no further confidence, what could be expected from the Federalists, who for eight years had foretold the failure? New England rang with cries for disunion. The Federalist leaders thought best to disavow treasonable intentions;¹ but they fell with their old bitterness on the personal character of President Jefferson, and trampled it deep in the mire. Many of the ablest and most liberal Federalist leaders had lagged behind or left the party, but the zealots of Pickering's class were stronger than ever. Pickering bent his energies to the task of proving that Jefferson was a tool of Napoleon, and that the embargo was laid in consequence of Napoleon's command. The success of this political delusion, both in England and America, was astounding. Even a mind so vigorous and a judgment so calm as that of Chief-Justice Marshall bent under this popular imposture.

¹ George Cabot to Pickering, Oct. 5, 1808; Lodge's Cabot, p. 308.

“Nothing can be more completely demonstrated,” he wrote to Pickering,¹ “than the inefficacy of the embargo; yet that demonstration seems to be of no avail. I fear most seriously that the same spirit which so tenaciously maintains this measure will impel us to a war with the only power which protects any part of the civilized world from the despotism of that tyrant with whom we shall then be arranged. You have shown that the principle commonly called the Rule of 1756 is of much earlier date, and I fear have also shown to what influences the embargo is to be traced.”

Chief-Justice Marshall had read Canning’s insulting note of September 23 more than a month before this letter to Pickering was written; yet the idea of resenting it seemed not to enter his mind. Napoleon alone was the terror of Federalism; and this unreasoning fear exercised upon Marshall’s calm judgment hardly less power than upon the imagination of Fisher Ames or the austerity of Timothy Pickering. Second only to Marshall, Rufus King was the foremost of Federalists; and the same horror of France which blinded Marshall, Ames, and Pickering to the conduct of England led King to hold the President responsible for Napoleon’s violence. December 1, 1808, King wrote to Pickering a long letter containing views which in result differed little from those of Nicholas and Monroe. The Berlin Decree, he said, had violated treaty rights:²

¹ Marshall to Pickering, Dec. 19, 1808; Lodge’s Cabot, p. 489

² Rufus King to Pickering, Dec. 1, 1808; Pickering MSS.

“How dare then our Government with this document before them, to affirm and endeavor to impose upon the country so gross a misstatement as they have done in reference to this French Decree? The Berlin Decree, being an infringement of our rights, should have been resisted, as a similar decree of the Directory was resisted by the Federalists in 1798. Had we so done, there would have been no Orders in Council, no embargo, and probably before this we should have been again in peace with France. . . . We are now told that the embargo must be continued or the country disgraced. Admitting the alternative, how shameful is it — how criminal rather, might I say — that the men who have brought the country to this condition should have the effrontery to make this declaration! The Administration will be disgraced by the repeal, and they deserve to be; perhaps they merit more than disgrace. But will the continuance of the embargo save the country from disgrace? As to its effect on France and England, we have sufficient evidence of its inefficacy. The longer it is continued, the deeper our disgrace when it is raised. It is earnestly to be hoped that the Federalists will leave to the Administration and its supporters all projects by way of substitute to the embargo. Having plunged the nation into its present embarrassment, let them bear the whole responsibility for their measures. The embargo must be repealed. That simple, unqualified measure must be adopted. It is high time to discard visionary experiments. For God’s sake, let the Federalists abstain from any share in them!”

King was not only the ablest of the Northern Federalists, he was also the one who knew England

best; and yet even he condescended to the excuse or palliation of England's conduct, as though Jefferson could have resisted the Berlin Decree without also resisting the previous robberies, impressments, and blockades of Great Britain. So deeply diseased was American opinion that patriotism vanished, and the best men in the Union took active part with Lord Castlereagh and George Canning in lowering and degrading their own government. Not even Rufus King could see the selfishness of that Tory reaction which, without regard to Napoleon's decrees, swept Great Britain into collision with the United States, and from which no act of Jefferson could have saved American interests. Though King were admitted to be right in thinking that the system of peaceable coercion, the "visionary experiments" of President Jefferson's statesmanship, the fretfulness of Madison's diplomacy, had invited or challenged insult, yet after these experiments had evidently failed and the failure was conceded, a modest share of patriotism might consent that some policy for the future should be indicated, and that some remnant of national dignity should be saved. No such sentimental weakness showed itself in the ranks of Federalism. Jefferson's friends and enemies alike foresaw that the embargo must be repealed; but neither friend nor enemy could or would suggest a remedy for national disgrace.

No record remains to show in what temper Jefferson received the letters of Canning and the warnings

of Wilson Cary Nicholas. Had he in the course of his sorely tried political life ever given way to unrestrained violence of temper, he might fairly have flamed into passion on reading Canning's notes; but he seemed rather to deprecate them,—he made even an effort to persuade Canning that his innuendoes were unjust. A long memorandum in his own handwriting recorded an interview which took place November 9 between him and Erskine, the British minister.⁴

“I told him I was going out of the Administration, and therefore might say to him things which I would not do were I to remain in. I wished to correct an error which I at first thought his Government above being led into from newspapers; but I apprehended they had adopted it. This was the supposed partiality of the Administration, and particularly myself, in favor of France and against England. I observed that when I came into the Administration there was nothing I so much desired as to be on a footing of intimate friendship with England; that I knew as long as she was our friend no enemy could hurt; that I would have sacrificed much to have effected it, and therefore wished Mr. King to have continued there as a favorable instrument; that if there had been an equal disposition on their part, I thought it might have been effected; for although the question of impressments was difficult on their side, and insuperable with us, yet had that been the sole question we might have shoved along in the hope of some compromise; . . . that he might judge

- Cabinet Memoranda; Writings (Ford), i. 336.

from the communications now before Congress whether there had been any partiality to France, to whom he would see we had never made the proposition to revoke the embargo immediately, which we did to England; and, again, that we had remonstrated strongly to them on the style of M. Champagny's letter, but had not to England on that of Canning, equally offensive; that the letter of Canning now reading to Congress, was written in the high ropes, and would be stinging to every American breast. . . . I told him in the course of the conversation that this country would never return to an intercourse with England while those Orders in Council were in force. In some part of it also I told him that Mr. Madison (who, it was now pretty well understood, would be my successor, to which he assented) had entertained the same cordial wishes as myself to be on a friendly footing with England."

Erskine reported this conversation to his Government;¹ and his report was worth comparing with that of Jefferson:—

"I collected from the general turn of his sentiments that he would prefer the alternative of embargo for a certain time, until the Congress should be enabled to come to some decided resolution as to the steps to be pursued. By this observation I believe he meant that he would wish to wait until March next, when the new Congress would be assembled, and the general sense of the people of the United States might be taken upon the state of their affairs. . . . He took an opportunity of observing in the course of his conversation that his Administration had been most wrongfully accused of

¹ Erskine to Canning, Nov. 10, 1808; MSS. British Archives.

partiality toward France ; that for his own part he felt no scruple, as he was about to retire, to declare that he had been always highly desirous of an intimate connection with Great Britain ; and that if any temporary arrangement on the subject of impressment could have been made, although he never would have consented to abandon the principle of immunity from impressment for the citizens of the United States, yet that the two countries might have shoved along (was his familiar expression) very well until some definite settlement could have taken place. He remarked also that these were, he knew, the sentiments of Mr. Madison, who would in all probability succeed him in his office. He hinted also that both had been long jealous of the ambitious views and tyrannical conduct of Bonaparte."

"These declarations," continued Erskine, "are so opposite to the general opinion of what their real sentiments have been that it is very difficult to reconcile them." In truth, the footing of intimate friendship with England so much desired by Jefferson demanded from England more concessions than she was yet ready to yield ; but nothing could be truer or more characteristic than the President's remark that under his charge the two countries might have "shoved along very well," had peace depended only upon him. In this phrase lay both the defence and the criticism of his statesmanship.

In any event, nothing could be more certain than that the time for shoving along at all was past. The country had come to a stand-still ; and some heroic resolution must be taken. The question pressing for

an answer concerned Jefferson more directly than it concerned any one else. What did he mean to do? For eight years, in regard to foreign relations his will had been law. Except when the Senate, in 1806, with disastrous results, obliged him to send William Pinkney to negotiate a treaty with England, Congress had never crossed the President's foreign policy by wilful interference; and when this policy ended in admitted failure, his dignity and duty required him to stand by the government, and to take the responsibility that belonged to him. Yet the impression which Erskine drew from his words was correct. He had no other plan than to postpone further action until after March 4, 1809, when he should retire from control. With singular frankness he avowed this wish. After the meeting of Congress, November 7, when doubt and confusion required control, Jefferson drew himself aside, repeating without a pause the formula that embargo was the alternative to war.¹ "As yet the first seems most to prevail," he wrote,² a few days after his interview with Erskine; and no one doubted to which side he leaned, though as if it were a matter of course that he should quit the government before his successor was even elected, he added: "On this occasion I think it is fair to leave to those who are to act on them the decisions they

¹ Jefferson to Governor Pinckney, Nov. 8, 1808; Writings, v. 383.

² Jefferson to Governor Lincoln, Nov. 13, 1808; Writings, v. 387.

prefer, being to be myself but a spectator. I should not feel justified in directing measures which those who are to execute them would disapprove. Our situation is truly difficult. We have been pressed by the belligerents to the very wall, and all further retreat is impracticable."

Madison and Gallatin did not share Jefferson's notion of Executive duties, and they made an effort to bring the President back to a juster sense of what was due to himself and to the nation. November 15 Gallatin wrote a friendly letter to Jefferson, urging him to resume his functions.

"Both Mr. Madison and myself," wrote Gallatin,¹ "concur in the opinion that considering the temper of the Legislature it would be eligible to point out to them some precise and distinct course. As to what that should be we may not all perfectly agree, and perhaps the knowledge of the various feelings of the members, and of the apparent public opinion, may on consideration induce a revision of our own. I feel myself nearly as undetermined between enforcing the embargo or war as I was at our last meeting. But I think that we must, or rather you must, decide the question absolutely, so that we may point out a decisive course either way to our friends. Mr. Madison, being unwell, proposed that I should call on you, and suggest our wish that we might, with the other gentlemen, be called by you on that subject. Should you think that course proper, the sooner the better."

¹ Gallatin to Jefferson, Nov. 15, 1808; Gallatin's Writings, i. 420.

Jefferson's reply to this request was not recorded, but he persisted in considering himself as no longer responsible for the government. Although Madison could not become even President-elect before the first Wednesday in December, when the electors were to give their votes ; and although the official declaration of this vote could not take place before the second Wednesday in February, — Jefferson insisted that his functions were merely formal from the moment when the name of his probable successor was known.

“I have thought it right,” he wrote December 27,¹ “to take no part myself in proposing measures the execution of which will devolve on my successor. I am therefore chiefly an unmeddling listener to what others say. On the same ground, I shall make no new appointments which can be deferred till the fourth of March, thinking it fair to leave to my successor to select the agents for his own Administration. As the moment of my retirement approaches I become more anxious for its arrival, and to begin at length to pass what yet remains to me of life and health in the bosom of my family and neighbors, and in communication with my friends undisturbed by political concerns or passions.”

So freely did he express this longing for escape that his enemies exulted in it as a fresh proof of their triumph. Josiah Quincy, his fear of the President vanishing into contempt, — “a dish of skim-milk curdling at the head of our nation,” — writing to the man whom eight years before Jefferson had driven

¹ Jefferson to Dr Logan, Dec. 27, 1808 ; Writings, v. 404.

from the White House, gave an account of the situation differing only in temper from Jefferson's description of himself:¹—

“Fear of responsibility and love of popularity are now master-passions, and regulate all the movements. The policy is to keep things as they are, and wait for European events. It is hoped the chapter of accidents may present something favorable within the remaining three months; and if it does not, no great convulsion can happen during that period. The Presidential term will have expired, and then—away to Monticello, and let the Devil take the hindmost. I do believe that not a whit deeper project than this fills the august mind of your successor.”

Had Jefferson strictly carried out his doctrine, and abstained from interference of any kind in the decision of a future policy, the confusion in Congress might have been less than it was, and the chance of agreement might have been greater; but while apparently refusing to interfere, in effect he exerted his influence to prevent change; and to prevent a change of measures was to maintain the embargo. In insisting that the whole matter should be left to the next Congress and President, Jefferson resisted the popular pressure for repeal, embarrassing his successor, distracting the Legislature, and destroying the remnants of his own popularity. Especially the Eastern Democrats, who had reason to believe that in New England the Union depended on repeal, were exas-

¹ Josiah Quincy to John Adams, Dec. 15, 1808; Quincy's Life of J. Quincy, p. 146.

perated to find Jefferson, though declaring neutrality, yet privately exerting his influence to postpone action until the meeting of another Congress. Among the Eastern members was Joseph Story, who had been elected to succeed Crowninshield, as a Republican, to represent Salem and Marblehead. Story took his seat Dec. 20, 1808, and instantly found himself in opposition to President Jefferson and the embargo:—

“I found that as a measure of retaliation the system had not only failed, but that Mr. Jefferson, from pride of opinion as well as from that visionary course of speculation which often misled his judgment, was absolutely bent upon maintaining it at all hazards. He professed a firm belief that Great Britain would abandon her Orders in Council if we persisted in the embargo; and having no other scheme to offer in case of the failure of this, he maintained in private conversation the indispensable necessity of closing the session of Congress without any attempt to limit the duration of the system.”¹

Josiah Quincy and Joseph Story were comparatively friendly in their views of Jefferson's conduct. The extreme Federalist opinion, represented by Timothy Pickering, placed the President in a light far more repulsive.

“It is scarcely conceivable,” wrote Pickering² to Christopher Gore Jan. 8, 1809, “that Mr. Jefferson should so obstinately persevere in the odious measure of

¹ Story's *Life of Story*, i. 184.

² Pickering to C. Gore, Jan. 8, 1809; Pickering MSS.

the embargo, which he cannot but see has impaired his popularity and hazards its destruction, if he were not under secret engagements to the French Emperor, — unless you can suppose that he would run that hazard and the ruin of his country, rather than that a measure which he explicitly recommended should be pronounced unwise. . . . When we advert to the real character of Mr. Jefferson, there is no nefarious act of which we may not suppose him capable. *He would rather the United States should sink, than change the present system of measures.* This is not opinion, but history. I repeat it confidentially to you until I obtain permission to vouch it on evidence which I trust I can obtain.”¹

Pickering's hatred of Jefferson amounted to mania ; but his language showed the influence which, whether intentionally or not, the President still exerted on the decisions of Congress. All accounts agreed that while refusing to act officially, the President resisted every attempt to change, during his time, the policy he had established. Canning's defiance and Napoleon's discipline reduced him to silence and helplessness ; but even when prostrate and alone, he clung to the remnant of his system. Disaster upon disaster, mortification upon mortification, crowded fast upon the man whose triumphs had been so brilliant, but whose last hope was to escape a public censure more humiliating than any yet inflicted on a President of the United States. The interest attached to the history of his administration — an interest at all times

¹ Cf. Pickering to S. P. Gardner ; *New England Federalism*, p. 379.

singularly personal — centred at last upon the single point of his personality, all eyes fixing themselves upon the desperate malice with which his ancient enemies strove to drive him from his cover, and the painful efforts with which he still sought to escape their fangs.

CHAPTER XVI.

NOVEMBER 8 President Jefferson sent to Congress his last Annual Message, and with it the correspondence of Pinkney and Armstrong. Intent as the public was upon foreign affairs alone, the Message had no further interest than as it dealt with the question of embargo; but Jefferson showed that he had lost none of his old dexterity, for he succeeded in giving to his words the appearance of conveying no opinion: —

“Under a continuance of the belligerent measures which, in defiance of laws which consecrate the rights of neutrals, overspread the ocean with danger, it will rest with the wisdom of Congress to decide on the course best adapted to such a state of things; and bringing with them as they do from every part of the Union the sentiments of our constituents, my confidence is strengthened that in forming this decision they will, with an unerring regard to the rights and interests of the nation, weigh and compare the painful alternatives out of which a choice is to be made. Nor should I do justice to the virtues which on other occasions have marked the character of our fellow-citizens, if I did not cherish an equal confidence that the alternative chosen, whatever it may be,

will be maintained with all the fortitude and patriotism which the crisis ought to inspire."

The favorite assumption that Congress, not the Executive, directed the national policy served again to veil Jefferson's wishes, but in this instance with some reason; for no one was ignorant that a strong party in Congress meant if possible to take the decision out of the President's hands. Only by the phrase "painful alternatives" did he hint an opinion, for every one knew that by this phrase he aimed at narrowing the choice of Congress between embargo and war. One other paragraph suggested that his own choice would favor continued commercial restrictions:—

"The situation into which we have thus been forced has impelled us to apply a portion of our industry and capital to internal manufactures and improvements. The extent of this conversion is daily increasing, and little doubt remains that the establishments formed and forming will—under the auspices of cheaper material and subsistence, the freedom of labor from taxation with us, and of protecting duties and prohibitions—become permanent."

Not only the Message but also the language, still more emphatic, of private letters showed that Jefferson had become a convert to manufactures and protected industries. "My idea is that we should encourage home manufactures," he said,¹ "to the ex-

¹ Jefferson to Colonel Humphreys, Jan. 20, 1809; to Mr. Leiper, Jan. 21, 1809; Works, v. 415, 416.

tent of our own consumption of everything of which we raise the raw material." This avowal did much to increase the ill-will of New England, where Jefferson's hostility to foreign commerce as a New England interest was believed to be inveterate and deadly; but the anger of Massachusetts and Connecticut at the wound thus threatened to their commerce and shipping could not exceed the perplexity of Southern Republicans, who remembered that Jefferson in 1801 promised them "a wise and frugal government, which shall restrain men from injuring one another; which shall leave them otherwise free to regulate their own pursuits of industry and improvement, and shall not take from the mouth of labor the bread it has earned." Not only manufactures but also internal improvements were to become a chief object of governmental regulation to an extent which no Federalist had ever suggested. The absolute prohibition of foreign manufactures was to go hand in hand with a magnificent scheme of public works. In the actual state of public affairs, -- without revenue and on the verge of war with France and England, -- Jefferson exposed himself to ridicule by alluding to a surplus; years were to pass before the employment of surplus revenue was to become a practical question in American politics, and long before it rose Jefferson had reverted to his old theories of "a wise and frugal government;" but in 1808, as President, he welcomed any diversion which enabled him to avoid the need of facing the spectre of war.

“The probable accumulation of the surpluses of revenue,” he said, “whenever the freedom and safety of our commerce shall be restored, merits the consideration of Congress. Shall it lie unproductive in the public vaults? Shall the revenue be reduced? Or shall it not rather be appropriated to the improvements of roads, canals, rivers, education, and other great foundations of prosperity and union, under the powers which Congress may already possess, or such amendments of the Constitution as may be approved by the States?”

The whole meaning of this paragraph was explained by other documents. March 2, 1807, the Senate adopted a Resolution calling upon the President for a plan of internal improvements. April 4, 1808, Gallatin made an elaborate Report, which sketched a great scheme of public works. Canals were to be cut through Cape Cod, New Jersey, Delaware, and from Norfolk to Albemarle Sound,—thus creating an internal water-way nearly the whole length of the coast. Four great Eastern rivers—the Susquehanna, Potomac, James, and Santee, or Savannah—were to be opened to navigation from tide-water to the highest practicable points, and thence to be connected by roads with four corresponding Western rivers,—the Alleghany, Monongahela, Kanawha, and Tennessee,—wherever permanent navigation could be depended upon. Other canals were to connect Lake Champlain and Lake Ontario with the Hudson River; to pass round Niagara and the falls of the Ohio; and to connect other important points. A turnpike road was to

be established from Maine to Georgia along the coast. To carry out these schemes Congress was to pledge two million dollars of the annual surplus for ten years in advance; and the twenty millions thus spent might be partly or wholly replaced by selling to private corporations the canals and turnpikes as they should become productive; or the public money might at the outset be loaned to private corporations for purposes of construction.

A national university was intended to crown a scheme so extensive in its scope that no European monarch, except perhaps the Czar, could have equalled its scale. Jefferson cherished it as his legacy to the nation,—the tangible result of his “visionary” statesmanship. Five years afterward he still spoke of it as “the fondest wish of his heart,” and declared that “so enviable a state in prospect for our country induced me to temporize and to bear with national wrongs which under no other prospect ought ever to have been unresented or unresisted.”¹ Even in the close presence of bankruptcy or war he could not lay aside his hopes, or abstain from pressing his plan upon the attention of Congress at the moment when the last chance of its success had vanished.

The contrast between the President’s sanguine visions and the reality was made the more striking by Gallatin’s Annual Report, sent to Congress a few days later. The President spoke for the Administration that was passing away, while Gallatin repre-

¹ Jefferson to Eppes, Sept. 11, 1813; Works, vi. 194.

sented the Administration to come. That the secretary leaned toward war was notorious, and that he was Madison's chief adviser, perhaps to be the head of his Cabinet, was known or suspected by the men who stood nearest to the Secretary of State, and who studied Gallatin's Report as though it were Madison's first Annual Message. The more carefully it was studied, the more distinctly it took the character of a War Budget.

Receipts from customs had stopped, but the accrued revenue of 1807 had brought nearly eighteen million dollars into the Treasury; and sixteen millions would remain to supply the wants of Government at the close of the year 1808. Of this sum the ordinary annual appropriations would consume thirteen millions. Starting from this point, Gallatin discussed the financial effect of the alternatives which lay before Congress. The first was that of total or partial submission to the belligerents; "and as, in pursuing that humble path, means of defence will become unnecessary,—as there will be no occasion for either an army or a navy,—it is believed that there would be no difficulty in reducing the public expenditures to a rate corresponding with the fragments of impost which might still be collected." The second choice of measures was to continue the embargo without war; and in this case the government might be supported for two years with no greater effort than that of borrowing five million dollars. Finally, Congress might declare war against one or both of the bellige-

rents, and in that event Gallatin asked only leave to contract loans. Persons familiar with the history of the Republican party, and with the career of its leaders when in opposition, could not but wonder that Gallatin should ask leave to create a new funded debt for purposes of war. To reconcile the inconsistency Gallatin once more argued that experience proved debt to be less dangerous than had ten years before been supposed:—

“The high price of public stocks and indeed of all species of stocks, the reduction of the public debt, the unimpaired credit of the general government, and the large amount of existing bank-stock in the United States leave no doubt of the practicability of obtaining the necessary loans on reasonable terms. The geographical situation of the United States, their history since the Revolution, and above all present events remove every apprehension of frequent wars. It may therefore be confidently expected that a revenue derived solely from duties on importations, though necessarily impaired by war, will always be amply sufficient during long intervals of peace not only to defray current expenses, but also to reimburse the debt contracted during the few periods of war. No internal taxes, either direct or indirect, are therefore contemplated, even in the case of hostilities carried on against the two great belligerent Powers.”

Such language was an invitation to war. Gallatin carried courage as far as the President carried caution. While Jefferson talked of surpluses and deprecated “painful alternatives,” his Secretary of the Treasury invited Congress to declare war against the

two greatest Powers in the world, and promised to support it without imposing a single internal tax.

Madison, upon whose decision even more than on that of Congress the future policy of the Government depended, would not express an emphatic opinion. A glimpse of the chaos that prevailed in the Executive Department was given in a letter from Macon to Nicholson,¹ written December 4, after Macon had offered Resolutions in the House looking to a persistence in the system of embargo and peaceable coercion:—

“Gallatin is most decidedly for war, and I think that the Vice-President [Clinton] and W. C. Nicholas are of the same opinion. It is said that the President [Jefferson] gives no opinion as to the measures that ought to be adopted. It is not known whether he be for war or peace. It is reported that Mr. Madison is for the plan which I have submitted, with the addition of high protecting duties to encourage the manufacturers of the United States. I am as much against war as Gallatin is in favor of it. Thus I have continued in Congress till there is not one of my old fellow-laborers that agrees with me in opinion.”

Indecision ruled everywhere at Washington down to the close of the year. Jefferson would say nothing at all; Madison would say nothing decisive;² and Gallatin struggled in vain to give a show of character

¹ Macon to Joseph H. Nicholson, Dec. 4, 1808; Adams's *Gallatin*, p. 384.

² Madison to Pinkney, Dec. 5, 1808; Madison's *Writings*, ii. 427.

to the Government. December 29 one of the Massachusetts representatives wrote to a correspondent the details of the secretary's plan:¹ —

“Yesterday I spent an hour with Mr. Gallatin, when he unfolded to me his plan, — a plan which he thinks will finally prevail. It is this: That we immediately pass a non-intercourse Act to take effect, say, June 1 next; and as the bill now reads, that it become null toward that Power which may relax. Send out the Act forthwith to England and to France, together with an Act raising the embargo partially, say, at the same time, and arming, or granting letters of marque, etc. These being made known to Great Britain and France, it is expected that the obstinate Emperor will not alter his course, but it is expected that Great Britain, when she finds the stand we deliberately take, — that we have no rebellion; that Madison and a majority of Democrats are chosen; and that we shall be fighting a common enemy (France) with her, — and when she finds that we intend living without dishonorable purchases of her goods, etc., will study her interest and relax.”

The same day Gallatin wrote confidentially to Nicholson, describing the extreme anxieties he felt:² —

“Never was I so overwhelmed with public business. That would be nothing if we went right; but a great confusion and perplexity reign in Congress. Mr. Madison is, as I always knew him, slow in taking his ground, but firm when the storm arises. What I had foreseen has taken place. A majority will not adhere to the embargo

¹ Orchard Cook to J. Q. Adams, Dec. 29, 1808; Adams MSS.

² Gallatin to Nicholson, Dec. 29, 1808; Adams's Gallatin, p. 384.

much longer, and if war be not speedily determined on, submission will soon ensue."

Joseph Story two days afterward wrote a more exact account of the distraction which prevailed at the White House.

"The Administration are desirous of peace," wrote Story,¹ in confidence, December 31. "They believe that we must suffer much from war; they are satisfied, even now, that if the embargo could be continued for one year our rights would be acknowledged were our own citizens only true to their own interests. They deem this continuance impracticable, and therefore are of opinion that after midsummer the plan must be abandoned; and war will then ensue unless the belligerents abandon their aggressions."

The chaos prevailing in the White House was order compared with the condition of Congress; and there again Gallatin was forced to guide. After listening November 8 to the President's serene Message, the House three days later referred the paragraphs concerning foreign Powers to a committee with G. W. Campbell at its head. Campbell probably consulted Madison, and his instance doubtless caused the fruitless appeal of November 15, through Gallatin, to Jefferson. Failing to obtain guidance from the President, Gallatin wrote a Report, which was probably approved by Madison, and which Campbell presented November 22 to the House. For clearness and calm-

¹ Joseph Story to Joseph White, Dec. 31, 1808; Story's *Life of Story*, i. 172.

ness of statement this paper, famous in its day as "Campbell's Report,"¹ has never been surpassed in the political literature of the United States; but the rigorous logic of its conclusions terrified men who could not refute and would not accept them:—

"What course ought the United States to pursue? Your committee can perceive no other alternative but abject and degrading submission, war with both nations, or a continuance and enforcement of the present suspension of commerce.

"The first cannot require any discussion; but the pressure of the embargo, so sensibly felt, and the calamities inseparable from a state of war, naturally create a wish that some middle course might be discovered which should avoid the evils of both and not be inconsistent with national honor and independence. That illusion must be dissipated; and it is necessary that the people of the United States should fully understand the situation in which they are placed.

"There is no other alternative but war with both parties or a continuance of the present system. For war with one of the belligerents only would be submission to the edicts and will of the other; and a repeal, in whole or in part, of the embargo must necessarily be war or submission."

To Federalists these stern truths were not wholly unwelcome, since they brought to an issue the whole policy, domestic and foreign, which for eight years the Federalist party had never ceased to condemn; but to Republicans, who were equally responsible with

¹ State Papers, iii. 259.

the President for the policy which ended in Gallatin's alternative, the harshness of the choice was intolerable. They felt that the embargo must be abandoned; but they felt still more strongly that the double war was ruin. In vain Gallatin tried in his Treasury Report to persuade them that to fight the two nations was a practicable task. Congress writhed and rebelled.

Campbell's report closed by recommending three Resolutions as common ground on which all parties could take their stand, whether for war or embargo. The first declared that the United States could not, without a sacrifice of their rights, honor, and independence, submit to the edicts of Great Britain and France. The second declared the expediency of excluding from the United States the ships and the products of all Powers which maintained these edicts in force. The third recommended immediate preparations for defence.

The Federalists were eager for attack; and when, November 28, Campbell called up the first of his Resolutions for debate, Josiah Quincy fell upon it with violence not easily forgotten, and doubtless meant to strengthen the general belief that New England would control her passions no longer.

"The course advocated in that Report is in my opinion loathsome," he said; "the spirit it breathes disgraceful; the temper it is likely to inspire neither calculated to regain the rights we have lost, nor to preserve those which remain to us."

Assuming that the Report was made in the interest of embargo, and that it foreshadowed the permanence of the anti-commercial system, he met it by threats of insurrection and civil war, expressed in the same breath with which they were disavowed:—

“Good Heavens! Mr. Chairman, are men mad? Is this House touched with that insanity which is the never-failing precursor of the intention of Heaven to destroy? The people of New England, after eleven months’ deprivation of the ocean, to be commanded still longer to abandon it! for an undefined period to hold their unalienable rights at the tenure of the will of Britain or of Bonaparte! . . . I am lost in astonishment, Mr. Chairman. I have not words to express the matchless absurdity of this attempt. I have no tongue to express the swift and headlong destruction which a blind perseverance in such a system must bring upon this nation. . . . This embargo must be repealed. You cannot enforce it for any important period of time longer. When I speak of your inability to enforce this law, let not gentlemen misunderstand me. I mean not to intimate insurrection or open defiance of them; although it is impossible to foresee in what acts that oppression will finally terminate which, we are told, makes wise men mad.” Nature gave the ocean to New England, “and among a people thus situated, thus educated, thus numerous, laws prohibiting them from the exercise of their natural rights will have a binding effect not one moment longer than the public sentiment supports them.”

Always assuming that the talk of war covered the plan of retaining the embargo, Quincy allowed him-

self to encourage warlike ideas much more recklessly than suited some of his party friends. He ventured to goad the majority toward a decision which of all possible results was most disliked by the Federalists of New England:—

“Take no counsel of fears. Your strength will increase with the trial, and prove greater than you are now aware. But I shall be told this may lead to war. I ask, Are we now at peace? Certainly not, unless retiring from insult be peace, unless shrinking under the lash be peace. The surest way to prevent war is not to fear it. The idea that nothing on earth is so dreadful as war is inculcated too studiously among us. Disgrace is worse. Abandonment of essential rights is worse.”

Whatever Quincy might have been willing to accept, the party to which he belonged wanted no war except with France, while the Republicans were opposed to war in any shape. John Randolph did indeed hint at the use of force, but Randolph’s opinion was never for two days the same. Philip Barton Key of Maryland, as vehement a Federalist as Quincy, also advised a policy which could lead only to war:—

“I would let our vessels go out armed for resistance, and if they were interfered with I would make the *dernier* appeal. We are able and willing to resist; and when the moment arrives, there will be but one heart and one hand throughout the Union.”

The sentiment was patriotic; but as though expressly to prove how little it could be trusted, Barent

Gardenier rose to say, in emphatic and unqualified terms, that England was wholly in the right, and that from the first the American government had aimed at provoking war.¹ Gardenier's views were those of a majority of Federalists, and in the end were adopted by the party. Quincy's blindness to the serious danger of war cost him the confidence of more cautious conservatives.

On the opposite side, the Republicans seemed for the most part fairly cowed by the vigor with which the Federalists defied the embargo and war at once. Nothing in American history offered a more interesting illustration of the first stage of the national character than the open avowals by Congress in 1808 of motives closely akin to fear. America as a nation could run no serious military peril, even though she declared war on England and France at once. The worst military disaster that could happen would be a bombardment or temporary occupation of some seaboard city; the most terrible punishment within the range of possibility was the burning of a few small wooden towns which could be rebuilt in three months, and whose destruction implied no necessary loss of life. Neither England nor France had armies to spare for permanent conquest in America; but so thoroughly had the theory of peaceable coercion taken possession of the national character that men of courage appealed to motives such as in a private dispute they would have thought degrading.

¹ *Annals of Congress*, 1808-1809, p. 839.

“The gentleman talked of resistance, and resistance on sea,” said Willis Alston of North Carolina, in reply to Quincy.¹ “Did any one believe that he seriously meant meeting the powerful navy of Great Britain on the sea,—of that Britain who had been emphatically styled ‘the mistress of the ocean,’ and who was ‘fighting for the liberties of the world and of mankind’? No, sir; nothing of the kind is meant. Submission to her orders would be the inevitable consequence of the gentleman’s resistance, and finally a loss of everything dear to the American character,—a loss of our liberty and independence as a free people.”

As though one such admission were not enough, Alston obstinately recurred to it. “An idea of that sort of resistance is too idle to merit serious consideration.” That Willis Alston was a man of no great distinction might be true; but such expressions were not confined to him. Richard M. Johnson of Kentucky, as brave a man as lived, could not face the idea of war:—

“At the most alarming crisis that ever convulsed the political world, when empires and kingdoms have changed with the season, and America, buffeted on every side, has maintained the ground of perfect neutrality, this nation should make a pause on this high eminence before they plunge into the dread conflict.”

A nation which had never yet moved a muscle could hardly “make a pause;” but even if Colonel Johnson’s figures had been more correct, the sentiment was in his mouth unexpected, for in Kentucky

¹ Annals of Congress, 1808–1809, p. 556.

gentlemen "buffeted on every side" were not supposed to pause. Still more remarkable was the language of Troup of Georgia — "the hot-headed Georgian," as Jefferson afterward called him, who twenty years later challenged a civil war, but who in 1808 was even more anxious than Johnson to pause on the high eminence where he was buffeted on every side.

"Permission to arm," he said,¹ "is tantamount to a declaration of war; and the people of this country want peace as long as they can preserve it with honor. And do you think, sir, we are ready to plunge into a ruinous war, naked and unarmed, to gratify a few bankrupt commercial speculators? It is easy to declare war; it is more difficult under present circumstances to maintain peace; and it is most difficult of all to wage a successful war. Sir, beware! It is the object of the gentleman from Massachusetts and his friends to lead you step by step into a war, and if he can into an unpopular war, which the moment you cease to conduct with effect you are ruined, and he and his friends are exalted; . . . and, sir, the moment this party ceases to rule, republicanism is gone, and with it the hopes of all good men forever."

Apart from the picture of American jealousies, Troup's remarks offered an interesting example of the ideas then held in regard to national honor. No one made the obvious retort that a nation which preserved peace by tolerating insults like those inflicted by Champagny and Canning had best say nothing of its honor. The fiction of pride was still kept up,

¹ *Annals of Congress*, 1808-1809, p. 606

though members descended to appeals which seemed to imply physical fear. Madison's brother-in-law, John G. Jackson, admitted himself to be cowed by Canning's brutality.

"The fires lighted up in Copenhagen," said he,¹ "are scarcely extinguished; they are yet glowing before us in imagination at least. And we ought to recollect that if we do not submit, it is war; if we do submit, it is tribute; and if we have war, our towns will share the fate of fortified Copenhagen, unless we strengthen and fortify them."

On such reasoning, submission and tribute alone were possible, since fortifications which had failed to protect Copenhagen were little likely to protect Norfolk or New York. Macon joined in the same cry:

"We have enough of the necessities of life to make us content, and there is no nation in the world at this time that enjoys more of the luxuries of Europe and of the East and West Indies than we do, — in a word, none that enjoys more of the good things of this world."

The spectacle of simple and hardy Speaker Macon in his homespun suit enjoying all the luxuries of Europe and the farthest East, while Pinkney and Armstrong paid for them in the spoils of American merchants, was quaintly humorous; but no one felt its sting of satire. Even the typical South Carolinian, David R. Williams, — a man second to none in courage and independence of character, — wished to hide behind the embargo for fear of war: —

¹ Annals of Congress, 1808-1809, p. 657.

“I see no other honorable course in which peace can be maintained. Take whatever other project has been hinted at and war inevitably results. While we can procrastinate the miseries of war, I am for procrastinating. We thereby gain the additional advantage of waiting the events in Europe. The true interests of this country can be found only in peace. Among many other important considerations, remember that the moment you go to war you may bid adieu to every prospect of discharging the national debt.”¹

The Secretary of the Treasury had only a month before officially asserted the contrary; but any excuse for avoiding war seemed to satisfy the House. From the beginning to the end of this long and ardent debate not one member from any quarter of the Union ventured to say—what every man in the United States would have said ten years later—that after the formal and fixed decisions of France and England war existed in fact and should be declared in form.

With all John Randolph's waywardness and extravagance, he alone shone among this mass of mediocrities, and like the water-snakes in Coleridge's silent ocean his every track was a flash of golden fire. At moments he struck passionately at his own favorite companions—at Macon and Williams—as he struck at Jefferson. The steady decline of public spirit stung his pride. “It was in that fatal session of 1805–1806 that the policy of yielding to anything

¹ *Annals of Congress*, 1808–1809, p. 797.

that might come in the shape of insult and aggression was commenced. The result was then foretold. It has happened.”¹ Speaker after speaker revelled in narrating the long list of insults and outrages which America had endured in patience.

“The House will pardon me,” said Randolph,² “if I forbear a minute recapitulation of the wrongs which we have received not only from the two great belligerents of Europe, but from the little belligerents also. I cannot, like Shylock, take a pleasure in saying, ‘On such a day you called me dog; on such a day you spit upon my gabardine.’”

Yet Randolph himself fell naturally into the habits at which he sneered; and his wit alone raised him above the common level of Congressmen. However happily he might ridicule the timidity and awkwardness of others, he never advanced a positive opinion of his own without repudiating it the moment he was taken at his word. “I would scuffle for commerce,” he said;³ and the phrase was itself unworthy of a proud people like the Virginians; but when Campbell tried to force from him a pledge to stand by the Government in asserting the national rights, Randolph declined to gratify him.

Of all the speakers, George Washington Campbell—the reputed author of the Report—alone took a tone which might almost be called courageous; but

¹ Annals of Congress, 1808–1809, p. 685.

² Annals of Congress, 1808–1809, p. 595.

³ Annals of Congress, 1808–1809, pp. 687, 688.

even Campbell thought more of tactics than of dignity. He admitted that the object of his Report was to unite the party on common ground; but he dared not say whether this common ground was to be embargo or war; he did not even say — what must have been in his mind — that the Government had exhausted alternatives. His chief effort seemed rather to be directed toward making a dilemma for the Federalists: —

“Are they determined to vindicate the rights and independence of their country? If they are, we wish to know in what manner. If they are not willing to pursue the measures of resistance we propose, of a total interdiction of intercourse with those Powers, will they assume a higher ground? Will they prefer war? If they do, this is one of the alternatives presented in the Report. We wish to know what measures they are willing to adopt for the safety of the nation. The crisis is awful. The time has come to unite the people of America. We join issue with the gentlemen as to a temporizing policy. We have not, — we will not now temporize. We say there is no middle course. We are in the first place for cutting off all intercourse with those Powers who trample on our rights. If that will not prove effectual, we say take the last alternative, war, with all its calamities, rather than submission or national degradation.”

The most interesting part of Campbell's speech was his awkward admission that peaceable coercion had failed. Such an admission was equivalent to avowing that the Republican party had failed, but Campbell

stumbled as he best could through this mortifying confession.

“We could not foresee,” he said,¹ “that the Governments of those Powers would not regard the distress and sufferings of their own people; that France would suffer her West Indian colonies to be almost desolated with famine, and to be compelled to apply to their inveterate enemy to save them from actual starvation rather than revoke her decrees; nor could we know that the Government of Great Britain would be regardless of the complaints and representations of her manufacturers and a respectable portion of her merchants; that it would lend a deaf ear to the hungry cries of the starving mechanics, and silence their just and loud complaints with the thunder of their murdering guns, and quench their hunger with a shower of balls instead of bread. We cannot be culpable for not anticipating such events.”

Yet for twenty years the Federalists had wearied the country with prophecies of these disappointments which Campbell and his Republican friends said they could not be expected to foresee. Jefferson had persisted in acting on the theory that he could enforce national rights by peaceable means; had staked his reputation, after long and varied experience, on the soundness of this doctrine which his political opponents denied; and suddenly, on its failure, his followers pleaded that they could not be held culpable for failing to anticipate what their political opponents had steadily foretold. The confession of such an over-

¹ Annals of Congress, 1808-1809. p. 747.

sight was more fatal than all the sneers of Randolph and the taunts of Quincy.

There Congress for the moment stopped. The debate — which began November 28 and lasted till December 17 — ended in the adoption of Campbell's first Resolution by a vote of one hundred and eighteen to two; of the second by eighty-four to thirty; and of the third without opposition. Nothing was decided; and the year closed leaving Congress, as Galatin told his friend Nicholson, in "great confusion and perplexity."

CHAPTER XVII.

BEHIND the scenes diplomacy was at work, actively seeking to disentangle or to embroil the plot of the culminating drama. Erskine, the British minister, sympathizing with his father Lord Erskine, in goodwill to America, hurried from one to another of the officials at Washington, trying to penetrate their thoughts,—an easy task,—and to find a bond of union between them and George Canning,—a problem as difficult as any that ever diplomacy solved. Besides his interview with Jefferson, he reported conversations with the Cabinet.

“I have had several interviews with Mr. Madison since the arrival of the ‘*Hope*,’” he wrote November 5,¹ “and have often turned the conversation upon the points above mentioned, which he did not seem willing to discuss; but I could collect from what he did say that it was his own opinion that all intercourse ought to be broken off with the belligerents, and that some steps further—to use his expression—ought to be taken. . . . I will just communicate to you the hints which were thrown out by Mr. Smith, Secretary of the Navy, in a conversation which I had with him,—of an unofficial

¹ Erskine to Canning, Nov. 5, 1808; MSS. British Archives.

kind, indeed, but in which he expressed his sentiments unequivocally, — that in addition to the steps alluded to by Mr. Madison, he would wish that their ministers should be recalled from England and France, and that preparations should be immediately made for a state of hostility. Mr. Gallatin, the Secretary of the Treasury, would have preferred taking a decided part against one or other of those Powers before the embargo was first laid, but thinks that no other course can now be adopted. The Vice-President, Mr. Clinton, was and is strongly averse to the embargo system; and though he does not openly declare himself, it is well known that he is entirely opposed to the present Administration. . . . Indeed, in conversation with me yesterday he inveighed with great force against the conduct of Bonaparte toward Spain, and expressed his astonishment that any American should have *hesitated* to express such sentiments. He alluded to the conduct of this Government in not only withholding any approbation of the noble efforts of the Spaniards to resist that usurper's tyranny over them, but to the language held by their newspapers, and in private by themselves, of regret at these events as being likely to conduce to the interest and success of England. A different tone is now assumed upon that important subject; and the President said to me a few days ago that however he might doubt the eventual success of the Spanish cause, the feelings of a *tiger* could alone lead to an attempt to subjugate them through such torrents of blood and such devastation as must ensue if followed by success."

Erskine's report was nearly exact. In regard to Robert Smith, it was confirmed by a letter written at

the same moment by Smith to the President;¹ and so far as concerned Madison, Gallatin, and George Clinton, it was not far wrong. A month then passed while Congress drifted toward a decision. At last, about December 1, Erskine roused himself to an effort. Doubtless Madison and Gallatin knew his purpose,—perhaps they inspired it; but in any case, Erskine acted rather in their interests than in the spirit or policy of Canning.

December 3 the British minister wrote to his Government the first of a series of despatches calculated to bring Canning to his senses.

“The Government and party in power,” said he,² “unequivocally express their resolution not to remove the embargo, except by substituting war measures against both belligerents, unless either or both should relax their restrictions upon neutral commerce.”

To reinforce this assertion Erskine reported an interview with Secretary Madison, who after reviewing the facts had ended by explicitly threatening a declaration of war. He said in substance—

“That as the world must be convinced that America had in vain taken all the means in her power to obtain from Great Britain and France a just attention to their rights as a neutral Power by representations and remonstrances, that she would be fully justified in having recourse to hostilities with either belligerent, and that she

¹ R. Smith to Jefferson, Nov. 1, 1808; Jefferson MSS.

² Erskine to Canning, Dec. 3, 1808; Cobbett's *Debates*, xvii., Appendix cxxxiv.

only hesitated to do so from the difficulty of contending with both; but that she must be driven even to endeavor to maintain her rights against the two greatest Powers in the world, unless either of them should relax their restrictions upon neutral commerce,—in which case the United States would side with that Power against the other which might continue the aggression. Mr. Madison observed to me that it must be evident that the United States would enter upon measures of hostility with great reluctance, as he acknowledged that they are not at all prepared for war, much less with a Power so irresistibly strong as Great Britain; and that nothing would be thought to be too great a sacrifice to the preservation of peace, except their independence and their honor. He said that he did not believe that any Americans would be found willing to submit to (what he termed) the encroachments upon the liberty and the rights of the United States by the belligerents; and therefore the alternatives were, Embargo or War. He confessed that the people of this country were beginning to think the former alternative too passive, and would perhaps soon prefer the latter, as even less injurious to the interests, and more congenial with the spirit, of a free people.”

In support of Madison's views Erskine reported December 4¹ a long conversation with Gallatin, which connected the action of Congress with the action of diplomacy. Gallatin and Robert Smith, according to the British minister, had not approved the embargo as a measure of defence, “and had thought that it had been better to have resorted to measures

¹ Erskine to Canning, Dec. 4, 1808; Cobbett's Debates, xvii., Appendix cxxxvii.

of a more decided nature at first; but that now they had no other means left but to continue it for a short time longer, and then in the event of no change taking place in the conduct of the belligerents toward the United States, to endeavor to assert their rights against both Powers." Gallatin — acting as Madison's Secretary of State — sketched an ingenious and plausible project which Erskine was to suggest for Canning's use. His leading idea was simple. The total non-intercourse with both belligerents — the measure recommended by Campbell's Report, and about to become law — must remove two causes of dispute with England; for this non-intercourse superseded the President's "Chesapeake" proclamation and the Non-importation Act of April, 1806, against British manufactures. Henceforward England could not complain of American partiality to France, seeing that America impartially prohibited every kind of intercourse with both countries. This mode of conciliation was but a fair return for Canning's conciliatory prohibition of American cotton, and if carried one step further must end on both sides in a declaration of war in order to prove their wish for peace; but Canning could hardly object to his own style of reasoning. After thus evading two English grievances, Gallatin arrived at his third point, — that Congress meant to interdict the employment of foreign seamen on American vessels, and thus put an end to all occasion for impressment. Finally, Erskine represented Gallatin as saying that the

United States were ready to concede the Rule of 1756, and not to claim in time of war a trade prohibited in time of peace.

In the ease of private and friendly conversation the most cautious of men, even more than the most reckless, stood at the mercy of reporters. Gallatin was by temperament excessively cautious, and was evidently on his guard in talking with Erskine; but he could not prevent Erskine from misunderstanding his words, and still less from misconstruing his reserve. The British minister afterward officially explained that the Secretary of the Treasury had offered no such concession as was implied by the Rule of 1756; he proposed only to yield the American claim, never yet seriously pressed, to the direct trade between the colonies of France and their mother country;¹ but although Erskine's mistake on this point proved troublesome, it was not so embarrassing to Gallatin as the inference which the British minister drew from his reserve on a point of merely personal interest.

"I have no doubt," continued Erskine, "but these communications were made with a sincere desire that they might produce the effect of conciliation; because it is well known that Mr. Gallatin has long thought that the restrictive and jealous system of non-import laws, extra duties, and other modes of checking a free trade with Great Britain has been erroneous and highly injurious to the interests of America. He informed me

¹ Erskine to Gallatin, Aug. 15, 1809; State Papers, iii. 307.

distinctly that he had always entertained that opinion, and that he had uniformly endeavored to persuade the President to place the conduct of Great Britain and France in a fair light before the public. He seemed to check himself at the moment he was speaking upon that subject, and I could not get him to express himself more distinctly; but I could clearly collect from his manner, and from some slight insinuations, that he thought the President had acted with partiality toward France; for he turned the conversation immediately upon the character of Mr. Madison, and said that he could not be accused of having such a bias toward France, and remarked that Mr. Madison was known to be an admirer of the British Constitution, to be generally well disposed toward the nation, and to be entirely free from any enmity to its general prosperity. He appealed to me whether I had not observed that he frequently spoke with approbation of its institutions, its energy, and spirit, and that he was thoroughly well versed in its history, literature, and arts. These observations he made at that time for the purpose of contrasting the sentiments of Mr. Madison with those of the President, as he knew that I must have observed that Mr. Jefferson never spoke with approbation of anything that was British, and always took up French topics in his conversation, and always praised the people and country of France, and never lost an opportunity of showing his dislike to Great Britain."

When in course of time this despatch was printed, Gallatin felt himself obliged to make a public disavowal of Erskine's statements. That he had at first preferred measures more decided than the em-

bargo was, he said, a mistake; and the inferences drawn in regard to President Jefferson were wholly erroneous: —

“Eight years of the most intimate intercourse, during which not an act, nor hardly a thought, respecting the foreign relations of America was concealed, enable me confidently to say that Mr. Jefferson never had in that respect any other object in view but the protection of the rights of the United States against every foreign aggression or injury, from whatever nation it proceeded, and has in every instance observed toward all the belligerents the most strict justice and the most scrupulous impartiality.”¹

This denial was hardly necessary. The despatches themselves plainly showed that Erskine, having set his heart on effecting a treaty, used every argument that could have weight with Englishmen, and dwelt particularly upon the point — which he well knew to be a dogma of British politics — that President Jefferson had French sympathies, whereas Madison’s sympathies were English. If Erskine had been a Tory, he would have known better than to suppose that Perceval’s acts were in any way due to Jefferson or his prejudices; but the British minister wished to employ all the arguments that could aid his purpose; and to do him justice, he used without stint that argument which his British instincts told him would be most convincing, — the single word, War.

¹ Gallatin to the National Intelligencer, April 21, 1810; Gallatin’s Writings, i. 475.

“I ascertained from Mr. Madison,” he wrote November 26,¹ “that . . . the Report of the Committee seemed distinctly to announce that the ULTIMATE and only effectual mode of resisting the aggressions of the belligerents would be by a *war*.”

If Canning could be panic-struck by italics and capital letters, Erskine meant to excite his worst alarms. Perhaps Madison was a little the accomplice of these tactics; for at the moment when he threatened war in language the most menacing, the future President was trembling lest Congress should abjectly submit to British orders. Erskine’s despatches early in December echoed the official words of Madison, Gallatin, and Robert Smith, but gave little idea of their difficulties. The same tactics marked his next letters. Jan. 1, 1809, he wrote to Canning² that the bill which was to carry into effect the Resolutions of Campbell’s Report had been laid before the House:—

“You will observe, sir, that the provisions of this bill are exactly such as this Government informed me would be adopted, and which I detailed to you in my despatches by the last month’s packet. On these measures, and a strict enforcement of the embargo, the Government and Congress have determined to rely for a short time, in the hope that some events in Europe may take place to enable them to extricate themselves from their present highly embarrassing situation. It is now universally

¹ Erskine to Canning, Nov. 26, 1808; MSS. British Archives.

² Erskine to Canning, Jan. 1, 1809 (No. 1); MSS. British Archives.

acknowledged that the Embargo Act must be raised by next summer; and nearly all the members of the ruling party declare that unless the belligerent Powers should remove their restrictions upon neutral commerce before that time, it will be incumbent upon the United States to adopt measures of hostility toward such of those Powers as may continue their aggressions."

War was the incessant burden of Erskine's reports; and he spared no pains to convince his Government that Madison had both the power and the will to fight. The next House, he reported, would contain ninety-five Republicans to forty-seven Federalists: "This great majority (which may vary a few votes) would of course be strong enough to carry any measures they wished; and all their declarations and their whole conduct indicate a determination to adopt the line of conduct which I have before pointed out." Only three days earlier Gallatin had privately written to Nicholson that great confusion and perplexity reigned in Congress, that Madison was slow in taking his ground, and that if war were not speedily determined submission would soon ensue; but Erskine reported little of this pacific temper, while he sent cry after cry of alarm to London. Toward the end of December Congress took up a measure for raising fifty thousand troops. Erskine asked the Secretary of State for what purpose so large a force was needed; and Madison replied that the force was no greater than the state of relations with foreign Powers required.

“He added (to my great surprise) that if the United States thought proper, they might act as if war had been declared by any or all of them, and at any rate by Great Britain and France. When I pressed him for a further explanation of his meaning, he said that such had been the conduct of both those Powers toward the United States that they would be justified in proceeding to immediate hostilities. From his manner as well as from his conversation, I could perceive that he was greatly incensed; and it appeared to me that he wished that Great Britain might take offence at the conduct of the United States and commence hostilities upon them, so as to give this Government a strong ground of appeal to the people of this country to support them in a war,—unless indeed they could be extricated from their difficulties by Great Britain giving way and withdrawing her Orders in Council.”¹

Following one letter by another, in these varied tones of menace, Erskine ended by sending, Jan. 3, 1809, a Message from the President-elect which wanted nothing except a vote of Congress to make it a formal announcement of war:²—

“I have the honor to inform you that I had an interview with Mr. Madison yesterday, in which he declared that he had no hesitation in assuring me that in the event of the belligerent nations continuing their restrictions upon neutral commerce, it was intended by this Government to recommend to Congress to pass a law to allow merchant-ships to arm, and also to issue letters of

¹ Erskine to Canning, Jan. 1, 1809 (No. 2); MSS. British Archives.

² Erskine to Canning, Jan. 3, 1809; MSS. British Archives.

marque and reprisal. The exact time when this course would be adopted, he said, might depend upon circumstances such as could not precisely be described; but he said that he was confident that if it was not taken before the expiration of the present Congress, in March, it would be one of the first measures of the new Congress, which will be held early in May next."

Erskine added that the Federalists also thought Great Britain wrong in refusing the American offers, and that they too declared war to be necessary if these offers should still be rejected. He wrote to Sir James Craig to be on guard against sudden attack from the United States. These measures taken, the British minister at Washington waited the echo of his alarm-cries, and Madison left the matter in his hands. No instructions were sent to Pinkney, no impulse was given to the press; and the public obstinately refused to believe in war. Perhaps Erskine received some assurance that no decisive step would be taken before he should have obtained from London a reply to his despatches of December; but whether or not he had any tacit understanding with Madison, his ambition to reunite the two countries and to effect the diplomatic triumph of a treaty certainly led him to exaggerate the warlike ardor of America, and to cross by a virtuous intrigue what he thought the ruinous career of his own Government.

On the other hand, General Turreau flattered himself that the diplomatic triumph would fall not to Erskine, but to himself; and the hope of war upon

England almost overcame for a sanguine moment his contempt for American character and courage. Turreau acquiesced in the embargo, since such was the Emperor's will, — but only as a choice of evils; for he knew better than Napoleon how deep a wound the embargo inflicted on Martinique and Guadeloupe. He consoled himself only by the hope that it injured Great Britain still more. "I have always considered," he said,¹ "that the embargo, rigorously executed, hurt us less than it hurt England, because our colonial interests are of small account in the balance against the colonial interests of the enemy." In his eyes a declaration of war against France was better suited than the embargo to French interests, provided it were joined with a like declaration against England; and he prepared his Government in advance for treating such a war as though it were an alliance.

"I believe that France ought not to take this declaration in its literal sense, because its apparent object would be only nominal, and not in the intention of the legislators. I know that such is now their disposition; and although it is conceded that the number of Federalists will be greater in the next Congress than in this, yet the Administration will always have a great majority in the House, and a still greater in the Senate. I am in such close relations with the greater number of senators as not to be deceived in regard to their intentions. But in this case, too, it would be necessary that France should not answer the challenge of war, and should wait until the

¹ Turreau to Champagny, Jan. 15, 1809; Archives des Aff. Étr. MSS.

first hostilities had taken place between England and the United States. Then I shall hope that the declaration against France will be immediately withdrawn. I have reason to believe that a declaration of war against France as well as against England will take place only with the intention of reaching this last Power without too much shocking public opinion, and in order to avoid the reproach of too much partiality toward the first. Your Excellency can, from this, form an idea of the weakness of Congress, and of the disposition of the American people.”¹

This despatch, written in the middle of January, completed the diplomatic manœuvres by which Madison hoped to unite his foreign with his domestic policy. The scheme was ingenious. Even if it should fail to wring concessions from Canning, hostilities would result only in a cheap warfare on the ocean, less wearisome than the embargo, — a war which, so far as concerned the continent of Europe, would rather benefit than injure commerce; but a policy like this, at once bold and delicate, required the steady support of a vigorous Congress. Neither Erskine nor Turreau told the full strength of the difficulties with which Madison and Gallatin struggled within their own party; or that while the new Administration was laboring to build up a new policy, the Federalists had already laid their hands on the material that the new policy needed for its use.

Whatever might be their differences in other re-

¹ Turreau to Champagny, Jan. 15, 1809; Archives des Aff. Étr. MSS.

spects, Jefferson, Madison, and Gallatin agreed on one common point. They held that until some decision should be reached in regard to peace or war, the embargo must be maintained and enforced. Neither the dignity nor the interests of the country permitted a sudden break with the policy which had been steadily followed during the eight years of their power. Abandonment of embargo without war was an act of submission to England and France which would certainly destroy whatever national self-respect might have survived the mortifications of the last three years; but if the embargo was to be maintained, it must be enforced, and without new legislation strict enforcement was impossible. This new legislation was demanded by Gallatin, in a letter of Nov. 24, 1808, addressed to Senator Giles of the Senate committee. December 8, Giles introduced a Bill conferring on Gallatin the "arbitrary" and "dangerous" powers he asked. The new measure answered Gallatin's description. Henceforward coasting-vessels were to give impossible bonds, to the amount of six times the value of vessel and cargo, before any cargo could even be put on board; collectors might refuse permission to load, even when such bonds were offered, "whenever in their opinion there is an intention to violate the embargo;" in suits on the bond, the defence was to be denied the right to plead capture, distress, or accident, except under conditions so stringent as to be practically useless; no ship-owner could sell a vessel without giving bond, to the amount of

three hundred dollars for each ton, that such ship should not contravene any of the Embargo Acts; and by Section 9, the whole country was placed under the arbitrary will of government officials: "The collectors of all the districts of the United States shall . . . take into their custody specie or other articles of domestic growth, produce, or manufacture . . . when in vessels, carts, wagons, sleighs, or any other carriage, or in any manner apparently on their way toward the territory of a foreign nation or the vicinity thereof, or toward a place whence such articles are intended to be exported;" and after seizure the property could be recovered by the owner only on giving bonds for its transfer to some place "whence, in the opinion of the collector, there shall not be any danger of such articles being exported." The collectors not only received authority to seize at discretion all merchandise anywhere in transit, but were also declared to be not liable at law for their seizures, and were to be supported at need by the army, navy, and militia.

In vain did Giles¹ and the other stanch followers of Jefferson affirm that this bill contained no new principles of legislation; that it was but an extension of ordinary customs laws; and that its provisions were "necessary and proper" for carrying into effect the great constitutional object,—the embargo. Giles held so many opinions in the course of his public life that no Federalist cared to ask what might be his momen-

¹ Annals of Congress, 1808-1809, p. 259.

tary theory of the Constitution; but whether as a matter of law he was right or wrong, he could hardly dispute what Gallatin in private admitted, that the powers conferred by his Enforcement Act were "most arbitrary," "equally dangerous and odious." The Senate knew well the nature of the work required to be done, but twenty senators voted for the passage of the bill, December 21, while only seven voted in the negative.

In pressing this measure at a moment so critical, Gallatin may have been bold, but was certainly not discreet. If he meant to break down the embargo, he chose the best means; if he meant to enforce it, he chose the worst. The Eastern congressmen made no secret that they hoped to resist the law by force.

"This strong tone was held by many of the Eastern members in a large company where I was present," wrote the British minister to Canning Jan. 1, 1809; "and the gentlemen who so expressed themselves declared that they had no hesitation in avowing such opinions, and said that they would maintain them in their places in Congress."

They were as good as their word, and when the bill came before the House arguments and threats were closely intermingled; but the majority listened to neither, and January 5, in a night session, forced the bill to its passage by a vote of seventy-one to thirty-two. January 9 the Enforcement Act received the signature of President Jefferson.

Senator Pickering, of Massachusetts, alone profited by this audacious act of power; and his overwhelming triumph became every day more imminent, as the conservative forces of New England arrayed themselves under his lead. Since the departure of Rose, in March, he had basked in the sunshine of success and flattery. Single-handed he had driven John Quincy Adams from public life, and had won the State of Massachusetts, for the first time, to the pure principles of the Essex Junto. That he felt, in his austere way, the full delight of repaying to the son the debt which for eight years he had owed to the father was not to be doubted; but a keener pleasure came to him from beyond the ocean. If the American of that day, and especially the New England Federalist, conceived of any applause as deciding the success of his career, he thought first of London and the society of England; although the imagination could scarcely invent a means by which an American could win the favor of a British public. This impossibility Pickering accomplished. His name and that of John Randolph were as familiar in London as in Philadelphia; and Rose maintained with him a correspondence calculated to make him think his success even greater than it was.

“In Professor Adams’s downfall, at which I cannot but be amused,” wrote Rose from London,¹ “I see but the forerunner of catastrophes of greater mark. This prac-

¹ Rose to Pickering, Aug. 4, 1808; *New England Federalism*, p. 372.

tical answer of your common constituents to his reply to you was the best possible. By his retreat he admits his conviction that you were the fitter representative of the State legislature. In the conversion of Massachusetts, I see the augury of all that is of good promise with you. Let me thank you cordially for your answer to Governor Sullivan. It was an unintentional kindness on his part thus to compel you to bring to the public eye the narrative of a life so interesting, so virtuous, and honorable. Receive the assurance of how anxiously I hope that though gratitude is not the virtue of republics, the remaining years of that life may receive from yours the tribute of honor and confidence it has so many claims to. In so wishing, I wish the prosperity of your country."

Flattery like this was rare in Pickering's toilsome career; and man, almost in the full degree of his antipathy to demagoguery, yearns for the popular regard he will not seek. Pickering's ambition to be President was as evident to George Rose as it had been to John Adams. "Under the simple appearance of a bald head and straight hair," wrote the ex-President,¹ "and under professions of profound republicanism, he conceals an ardent ambition, envious of every superior, and impatient of obscurity." That Timothy Pickering could become President over a Union which embraced Pennsylvania and Virginia was an idea so extravagant as to be unsuited even to coarsely flavored flattery; but that he should be the chief of a New England Confederation was not an extravagant thought, and toward a New England Con-

¹ Cunningham Letters, p. 56.

federation events were tending fast. The idea of combining the Eastern States against the embargo,—which if carried out put an end to the Union under the actual Constitution,—belonged peculiarly to Pickering; and since he first suggested it in his famous embargo letter, it had won its way until New England was ripe for the scheme.

One by one, the Federalist leaders gave their adhesion to the plan. Of all these gentlemen, the most cautious—or, as his associates thought, the most timid—was Harrison Gray Otis, President of the Massachusetts Senate. Never in the full confidence of the Essex Junto, he was always a favorite orator in Boston town-meeting, and a leader in Boston society; but he followed impulses stronger than his own will, and when he adopted an opinion his party might feel secure of popular sympathy. Dec. 15, 1808, Otis wrote from Boston to Josiah Quincy at Washington a letter which enrolled him under Pickering's command.¹

“It would be a great misfortune for us to justify the obloquy of wishing to promote a separation of the States, and of being solitary in that pursuit. . . . On the other hand, to do nothing will seem to be a flash in the pan, and our apostate representatives will be justified in the opinions which they have doubtless inculcated of our want of union and of nerve. What then shall we do? In other words, what can Connecticut do? For we can

¹ H. G. Otis to Quincy, Dec. 15, 1808; Quincy's *Life of Quincy*, p. 164.

and will come up to her tone. Is she ready to declare the embargo and its supplementary chains unconstitutional; to propose to their State the appointment of delegates to meet those from the other commercial States, in convention at Hartford or elsewhere, for the purpose of providing some mode of relief that may not be inconsistent with the Union of these States, to which we should adhere as long as possible? Shall New York be invited to join; and what shall be the proposed objects of such a convention?"

In thus adopting the project of Timothy Pickering for a New England convention, Otis was not less careful than Pickering himself to suggest that the new Union should be consistent with the old one. American constitutional lawyers never wholly succeeded in devising any form of secession which might not coexist with some conceivable form of Union, such as was recognized by the Declaration of July 4, 1776; but no form of secession ever yet devised could coexist with the Union as it was settled by the Constitution of 1789; and the project of a New England convention, if carried out, dissolved that Union as effectually as though it had no other object. "No State shall, without the consent of Congress, . . . enter into an agreement or compact with another State."¹ Such was the emphatic interdict of the Constitution, and its violation must either destroy the Union or give it new shape. Doubtless the Union had existed before the Constitution, and might sur-

¹ Constitution of the United States, Art. I. sect. 10.

vive it; but a convention of the New England States could not exist under the Union of 1789.

Another Boston Federalist, second to none in standing, who unlike Otis was implicitly trusted by the Essex Junto, wrote a letter to Senator Pickering, dated five days later:—

“ Our Legislature will convene on January 24,” began Christopher Gore,¹ “ and what will be proper for us to do under the circumstances of our times is doubtful. To ascertain the most useful course to be pursued on this occasion fills our minds with deep and anxious solicitude. . . . By conversing with our friends from the other New England States you might be able to know in what measures and to what extent they would be willing to co-operate with Massachusetts. The opposition, to be effectual of any change in our rulers, should comprehend all New England. These men, I fear, are too inflated with their own popularity to attend to any call short of this.”

The action of Massachusetts was to be concerted with Connecticut; and the leading senator from Connecticut was Pickering's very intimate friend, James Hillhouse, whose amendments to the Constitution, proposed to the Senate in an elaborate speech April 12, 1808, were supposed by his enemies to be meant as the framework for a new confederacy, since they were obviously inconsistent with the actual Union. Hillhouse and Pickering stood in the most

¹ Gore to Pickering, Dec. 20, 1808; *New England Federalism*, p. 375.

confidential relations. From their common chamber in the "Six Buildings" they carried on their joint campaign against the embargo;¹ and with this advantage, Pickering in due time wrote his reply to Christopher Gore for the guidance of the Massachusetts General Court:—

"New England must be united in whatever great measure shall be adopted. During the approaching session of our Legislature there may be such further advances in mischief as may distinctly point out the course proper to be adopted. A convention of delegates from those States, including Vermont, seems obviously proper and necessary. Massachusetts and Connecticut can appoint their delegates with regular authority. In the other States they must be appointed by county conventions. A strong and solemn address, stating as concisely as will consist with perspicuity the evil conduct of our Administration as manifested in their measures, ought to be prepared to be laid before our Legislature when they meet, to be sent forth by their authority, to the people. But the fast, which I have repeatedly heard mentioned here, I hope will be postponed till the very crisis of our affairs, if such a crisis should be suffered to arise. To proclaim a fast sooner would, I fear, have more the appearance of management than of religion."²

Such action was not to be easily reconciled with the spirit of the Constitution, but Pickering attempted

¹ Pickering to Hillhouse, Dec. 16, 1814; *New England Federalism*, p. 414.

² Pickering to C. Gore, Jan. 8, 1809; *New England Federalism*, p. 376.

to show its accord ; and in doing so he completed the revolution which for eight years had been in progress between the two political parties. He placed himself on the precise ground taken by Jefferson in the Kentucky Resolutions of 1798 : —

“ Pray look into the Constitution, and particularly to the tenth article of the Amendments. How are the powers reserved to the States respectively, or to the people, to be maintained, but by the respective States judging for themselves, and putting their negative on the usurpations of the general government.”

That the States of Massachusetts and Connecticut meant to take the first step toward a change in the Federal compact was an open secret at Washington before the close of the year. As early as December 29 Gallatin wrote to his friend Nicholson a letter of alarm,¹ which showed that the plan was already known by the Administration : —

“ I actually want time to give you more details, but I will only state that it is intended by the Essex Junto to prevail on the Massachusetts legislature, who meet in two or three weeks, to call a convention of the five New England States, to which they will try to add New York ; and that something must be done to anticipate and defeat that nefarious plan.”

¹ Adams's Gallatin, p. 384.

CHAPTER XVIII.

AMONG the Federalists were still a few moderate men who hoped that Jefferson might not be wholly sold to France, and who were inclined to ask for some new policy of peace or war before throwing aside the old one. Pickering's contempt for such allies echoed the old feuds of New England, and revived the root-and-branch politics of the Puritans:

“Some *cautious* men here of the Federal party discovered an inclination to wait patiently till the first of June the promised repeal of the embargo. God forbid that such timid counsels should reach the Massachusetts legislature, or a single member of it! A million of such men would not save the nation. Defeat the accursed measure now, and you not only restore commerce, agriculture, and all sorts of business to activity, but you save the country from a British war. The power of the present miserable rulers — I mean their power to do material mischief — will then be annihilated.”¹

Pickering's instructions were exactly followed; his temper infused itself through every New England town. Once more, a popular delusion approaching

¹ Pickering to S. P. Gardner; New England Federalism, p. 379.

frenzy,—a temporary insanity like the witchcraft and Quaker mania,—took possession of the mind of Massachusetts, and broke into acute expression. Not for a full century had the old Puritan prejudice shown itself in a form so unreasoning and unreasonable; but although nearly one half the people held aloof and wondered at the madness of their own society, the whole history of Massachusetts, a succession of half-forgotten disputes and rebellions, seemed to concentrate itself for the last time in a burst of expiring passions, mingled with hatred of Virginia and loathing for Jefferson, until the rest of America, perplexed at paroxysms so eccentric, wondered whether the spirit of Massachusetts liberty could ever have been sane. For the moment Timothy Pickering was its genius.

The decision reached by the Federalists at Washington, on or about December 21, when the Enforcement Bill passed the Senate, was quickly known in Massachusetts, and without further delay the crisis was begun. Hitherto the tone of remonstrance had been respectful; under cover of the Enforcement Act it rapidly became revolutionary. Dec. 27, 1808, a town-meeting at Bath, in the district of Maine, set the movement on foot by adopting Resolutions¹ which called on the general court, at its meeting January 25, to take “immediate steps for relieving the people, either by themselves alone, or in concert with other commercial States;” while at the same time the

¹ *New England Palladium*, Jan. 3, 1809.

town voted "that a committee of safety and correspondence be appointed, to correspond with committees of other towns, . . . and to watch over the safety of the people of this town, and to give immediate alarm so that a regular meeting may be called whenever any infringement of their rights shall be committed by any person or persons under color and pretence of authority derived from any officer of the United States." This extravagant measure, evidently intended to recall the memory of 1776, was quickly imitated by the town of Gloucester, which, January 12,¹ formally approved the Resolutions passed at Bath, voted an address to the general court, and appointed a committee of public safety. These first steps went so far that other towns could not easily keep pace with them, and were obliged to fall behind. The scheme of appointing everywhere town-committees of public safety to organize combined resistance to the national government, was laid aside, or fell to the ground; but the town-meetings went on. In the county of Hampshire, a public meeting of citizens, January 12,² announced "that causes are continually occurring which tend to produce a most calamitous event,—a dissolution of the Union;" and January 20, a meeting at Newburyport, in Senator Pickering's County of Essex, voted —

"That we will not aid or assist in the execution of the several embargo laws, especially the last, and that we

¹ New England Palladium, Jan. 17, 1809.

² New England Palladium, Jan. 20, 1809.

consider all those who do as violators of the Constitution of the United States and of this Commonwealth; and that they be considered as unworthy of the confidence and esteem of their fellow-citizens."

On the eve of the day fixed for the General Court to assemble, in the midst of town-meetings far and near, Boston called a meeting at Faneuil Hall. The town had grown to a population of more than thirty thousand, but old citizens could remember the Stamp Act and the Boston Port Bill; they had seen Samuel Adams and John Hancock defy, in Faneuil Hall, the power of Parliament; and the same town-meeting which had stood firm against King George, even to the point of armed rebellion, still existed unchanged, ready to resist the tyranny of a Virginia President. January 23 four thousand citizens swarmed to the hall famous for its Revolutionary associations; and in the minds of all, either as a hope or a terror, revolution was the absorbing thought.

Socially, nothing could be more respectable than the assembly. The names of the committee appointed to draft a petition to the general court included the best people of Boston. The list began with Thomas Handasyd Perkins, and included Samuel Dexter, John Warren, William Sullivan, Jonathan Mason, and Theodore Lyman, — members of a city aristocracy which still existed in vigor as robust as in the days when aristocracy was sustained by English example and patronage. Chief-Justice Parsons, who freely expressed his opinion that the embargo was unconsti-

tutional, had no part in the proceedings ; but on his privately given advice the meeting was to take its stand. The Essex Junto, willing to escape its own unpopularity, surrendered the apparent lead to a man who shared in few of the extreme opinions of Pickering, Parsons, and George Cabot, — a man who stood second to no Federalist in ability, but who had never sympathized with Alexander Hamilton's feuds, or with factious hostility either to Federalist or to Republican Presidents. Samuel Dexter, Secretary of War in 1800, Secretary of the Treasury in 1801, a lawyer of the highest standing, had been employed to argue against the constitutionality of the Embargo Act before Judge Davis in September, and although he lost his cause, he stoutly maintained the soundness of his argument. In truth, the question was still open ; and since the trial at Salem, the Enforcement Act had greatly strengthened constitutional objections already strong. Dexter believed that his duty required him to join in protesting against such legislation, and accordingly he took an active part in drafting and defending the Resolutions and memorial reported by his committee, which appealed to the general court "for their interposition to save the people of this Commonwealth from the destructive consequences which they apprehend to their liberties and property from the continuance of the present system."

No measure reported by Samuel Dexter was likely to satisfy the hot temper of a town-meeting. The

regular Resolutions were duly adopted, with little vigorous opposition, and the meeting adjourned till the next day; but when the citizens re-assembled, January 24, they passed another resolve, offered by Daniel Sargent, which startled the law-abiding public of Massachusetts by formally declaring that "we will not voluntarily aid or assist in the execution" of the Enforcement Act; and that "all those who shall so assist in enforcing upon others the arbitrary and unconstitutional provisions of this Act, ought to be considered as enemies to the Constitution of the United States and of this State, and hostile to the liberties of this people."

Alarming as was the tone of Boston, Samuel Dexter and his associates avoided taking open part with the British government against their own. Elsewhere no such reticence was shown. Not only in private, in all places, at every table, did the bitterness of New England temper and the intensity of local prejudice allow themselves the freest expression, but the numerous town-meetings also showed a spirit rather British than American. Among many examples a few are worth recalling, to show the absence of national feeling, and the difficulties and dangers which stood in the nation's way.

January 24 the town of Beverly, in Essex County, voted ¹ that —

"They have witnessed with regret too strong a propensity to palliate and overlook the unjust aggressions of

¹ New England Palladium, Jan. 31, 1809.

one foreign nation, and to exaggerate and misrepresent the conduct of another; that the measures pursued are calculated and designed to force us into a war with Great Britain, — a war which would be extremely detrimental to our agriculture, fatal to our commerce, and which would probably deprive us forever of the Bank fishery, — and to unite us in alliance with France, whose embrace is death.”

January 26 the town of Plymouth voted¹ —

“That by the partial and insidious management of our external relations, by a servile compliance with the views of one belligerent whose restless ambition is grasping at the subjugation of the civilized world, and by the unnecessary provocations offered to another, magnanimously contending for its own existence and the emancipation of the oppressed, our national peace is endangered, and our national dignity and good faith sacrificed on the altar of duplicity.”

January 23 the town of Wells, in the district of Maine, voted² —

“That we deprecate that cringing sycophancy which has marked the conduct of our national government toward the tyrant of Europe, while we view with indignation and alarm its hostility toward Great Britain.”

On the same day Gloucester spoke in language still more insulting to the national government:³ —

“We see not only the purse-strings of our nation in the hands of a Frenchified Genevan, but all our naval

¹ New England Palladium, Jan. 31, 1809.

² New England Palladium, Feb. 3, 1809.

³ New England Palladium, Feb. 24, 1809.

forces and all our militia placed under the control of this same foreigner, whom we cannot but think a satellite of Bonaparte. . . . In our opinion the national Cabinet has given to this country and the world the most indubitable evidence of their insincerity; that their great study has been to involve this country in a war with Great Britain, and of course to form a coalition with France, regardless of consequences. Their pledges to France of their willingness to submit to the wishes or mandates of the Corsican have been satisfactory. . . . We should deprecate a separation of the States, and would resort to every honorable means of redress before we would seek relief in a dissolution of the Union. . . . Our Administration can dissemble their real motives no longer; our dreadful forebodings prove realities; the expected blow has reached us, and by it has fled our liberty."

In quaint and pathetic phrases, the little town of Alfred, in Maine, sent to the general court a petition¹ which charged the national government with endeavoring "to provoke a ruinous and destructive war with England, to gratify the ambition and caprice, and augment the power, of the tyrant of France."

"We are the poor inhabitants of a small town," continued the Alfred petition, "rendered poorer by the wayward, inconsistent policy of the general government; but life and liberty are as dear to us as to our opulent brethren of the South, and we flatter ourselves that we have as much love of liberty and abhorrence of slavery as those who oppress us in the name of Republicanism."

¹ New England Palladium, Feb. 17, 1809.

We love liberty in principle but better in practice. We cling to a union of the States as the rock of our salvation; and nothing but a fearful looking for of despotism would induce us to wish for a severance of the band that unites us. But oppression did sever us from the British empire; and what a long and continued repetition of similar acts of the government of the United States would effect, God only knows!"

These extracts showed the temper in which the Massachusetts legislature met. The Federalist leaders had more difficulty to restrain than to excite the people, and felt themselves strong enough to assume the air of cautious and conservative men. After an exchange of opinions between the Legislature and Levi Lincoln, who had become governor on the death of Sullivan shortly before, both Houses turned their attention to national affairs. The numerous petitions on the subject of the embargo were referred to committees. Without loss of time the Senate committee, February 1, made a Report recommending an Act to secure the people of the State from "unreasonable, arbitrary, and unconstitutional searches in their dwelling-houses;" to which was added a series of four Resolutions, closing with a formal adoption of the step so long desired by Senator Pickering.

"Resolved, That the Legislature of this Commonwealth will zealously co-operate with any of the other States in all legal and constitutional measures for procuring such amendments to the Constitution of the United States as shall be judged necessary to obtain protection and de-

fence for commerce, and to give to the commercial States their fair and just consideration in the government of the Union ; and for affording permanent security, as well as present relief, from the oppressive measures under which they now suffer.

“ *Resolved*, That the Honorable the President of the Senate, and the Honorable the Speaker of the House of Representatives, be requested to transmit a copy of this Report, and the Resolutions thereon, to the legislatures of such of our sister States as manifest a disposition to concur with us in measures to rescue our common country from impending ruin, and to preserve inviolate the union of the States.”

These Resolutions proclaimed that a union of the Eastern States against the national government was the earnest wish of Massachusetts ; and the advance thus made was instantly met by Connecticut, where Jonathan Trumbull, a Federalist of pure stock, who had for ten years filled the chair of governor, called a special meeting of the Legislature in pursuance of the arrangement concerted at Washington. The temper of Governor Trumbull could be judged from a letter written by him, February 4, to Secretary Dearborn, who had requested him to select militia officers on whom the collectors might call for military aid in enforcing the embargo.

“ Conceiving as I do,” replied Governor Trumbull, “ and believing it to be the opinion of the great mass of citizens of this State, that the late law of Congress for a more rigorous enforcement of the embargo is unconstitutional in many of its provisions, interfering with the

State sovereignties, and subversive of the rights, privileges, and immunities of the citizens of the United States, . . . my mind has been led to a serious and decided determination to decline a compliance with your request, and to have no agency in the appointments which the President has been pleased to refer to me."

In calling together the legislature of Connecticut, Governor Trumbull's concert with Massachusetts was evident, and his object of resisting the embargo was avowed. So bluntly did the Federalists proclaim their purpose, that when the Connecticut legislature met, February 23, the governor in his opening speech explained his action as though it were a matter of course that he should call upon the State to nullify an Act of Congress.

"Whenever our national legislature," he said, "is led to overleap the prescribed bounds of their constitutional powers, on the State legislatures in great emergencies devolves the arduous task, — it is their right, it becomes their duty, — to interpose their protecting shield between the rights and liberties of the people and the assumed power of the general government."

If Madison was not by that time weary of his own words, — if the Resolutions of 1798 and the fatal "interpose" of Virginia had not become hateful to his ears, — he might have found some amusement in the irony with which Trumbull flung the familiar phrases of Virginia back into her face; but serious as such conduct was, the mere defiance carried less alarm than was warranted by the signs of secret

concert with England which the Federalists willingly betrayed. Trumbull and Hillhouse, Pickering and Otis, were not necessarily masters of the situation, even when at the head of all New England; but when they pointed significantly at the fleets and armies of Great Britain behind them, they carried terror to the heart of the Union. So little did they hide their attitude toward the British government that their organ, the "New England Palladium," published, January 6, Canning's personal letter of Sept. 23, 1808, to Pinkney, which Madison had suppressed. How it had been obtained, no one knew. The British Foreign Office seemed to stand in direct communication with Boston, while the Boston Federalists exulted in a chance to swell what they thought the triumph of George Canning over their own Federalist friend, William Pinkney.

Tactics like these, unscrupulous though they might be, were effective. Jefferson and Madison had the best reason to know the force of such factiousness, for only ten years before, on less provocation, they had themselves led in Virginia and Kentucky a movement with a similar purpose; but although their history as leaders of an opposition implied agrément in principle with the doings of Massachusetts and Connecticut, their dignity and interest as Presidents of the United States required them to carry out the laws they had advised and approved. Whatever might be the personal wishes of a few men like Pickering, the great mass of Federalists wished at heart

no more harm to the country than to overthrow and humiliate Jefferson, and to cripple Madison from the start; while the Administration, on its side, in struggling to escape a personal humiliation, was obliged to adopt any course that offered the best hope of success even though it should sacrifice the national character. As the last weeks of President Jefferson's Administration approached, this personal conflict — the bitterness of sixteen years — concentrated its virulence upon a single point, but that point vital to Jefferson's fame and popularity, — the embargo.

Rarely in American history has been seen a struggle more furious or less ennobling than that which took place at Washington in the months of January and February, 1809. With a bold face, but with small confidence, Madison and Gallatin pressed their measures. After passing the Enforcement Act on the morning of January 6, Congress turned at once to a matter even more serious. January 7 a Resolution was offered in the House providing for an early meeting of the next Congress, and in the short debate that followed, a distinct line began for the first time to divide the advocates of war from the partisans of peace. The extra session was avowedly to be called for the purpose of declaring war. Simultaneously a bill was introduced to raise, arm, and equip fifty thousand volunteers to serve for the term of two years; while the Senate sent down another bill ordering all the frigates and gunboats to be "fitted out, officered, manned, and employed as soon

as may be." The fourth Monday in May was the date proposed for the extra session, and Congress at last found itself face to face with the naked issue of war.

The effect of the crisis upon Congress was immediate. Doubt, defiance, dismay, and disgust took possession of the Legislature, which swayed backward and forward from day to day, as courage or fear prevailed. The old Republicans, who could not yield their faith in the embargo, begged almost piteously for delay.

"A large portion of the people, the South almost unanimously," urged David R. Williams of South Carolina, "have expressed a wish that the Government should adhere to the embargo till it produces an effect, or the capacity to produce the effect be disproved. You are like to be driven out of the embargo by war? Why, sir, look at the sensation in New England and New York, and talk about going to war when you cannot maintain an embargo! . . . If you do not adopt war before the fourth Monday in May, will the nation be ruined if you postpone it still further?"¹

Macon declared that the embargo was still the people's choice:—

"As to the people being tired of the embargo, whenever they want war in preference to it they will send their petitions here to that effect. . . . Let each man put the question to his neighbor whether he will have war or embargo, and there is no doubt but he will answer in favor of the latter."

¹ Annals of Congress, 1808-1809, p. 1100.

Such reasoning, honest and true as it was in the mouths of men like Macon and Williams, gave a tone of weakness and irresolution to the debate, while it acted on the Federalists with the force of defiance, and drew from Josiah Quincy a speech which long remained famous, and which no Republican ever forgot or forgave.

That this strong, self-asserting Boston gentleman, gifted, ambitious, the embodiment of Massachusetts traditions and British prejudices, should feel deep contempt for the moral courage and the understanding of men whose motives were beyond the range of his sympathies and experience, was natural; for Josiah Quincy belonged to a class of Americans who cared so intensely for their own convictions that they could not care for a nation which did not represent them; and in his eyes Jefferson was a transparent fraud, his followers were dupes or ruffians, and the nation was hastening to a fatal crisis. Yet with all this to excuse him, his language still passed the bounds of license. He began by reaffirming that deception had been practised on the House when the President induced it to adopt the embargo without alluding to its coercive purpose:—

“ I do not think I state my position too strongly when I say that not a man in this House deemed the embargo intended chiefly as a measure of coercion on Great Britain; that it was to be made permanent at all hazards until it had effected that object, and that nothing else effectual was to be done for the support of our mari-

time rights. If any individual was influenced by such motives, certainly they were not those of a majority of this House. Now, sir, on my conscience, I do believe that these were the motives and intentions of the Administration when they recommended the embargo to the adoption of this House."

So far as concerned President Jefferson this charge was true; but every one knew that Jefferson habitually threw responsibility on Congress, and after the scandal made by John Randolph in the Spanish affair of 1805, the House alone was to blame if it incurred consequences which were evident on the face of its measures. Quincy next asserted a worse and more mischievous charge:—

"Not only that embargo was resorted to as a means of coercion, but from the first it was never intended by the Administration to do anything else effectual for the support of our maritime rights. Sir, I am sick—sick to loathing—of this eternal clamor of 'war, war, war!' which has been kept up almost incessantly on this floor, now for more than two years. Sir, if I can help it, the old women of this country shall not be frightened in this way any longer. I have been a long time a close observer of what has been done and said by the majority of this House, and for one I am satisfied that no insult, however gross, offered to us by either France or Great Britain, could force this majority into the declaration of war. To use a strong but common expression, it could not be kicked into such a declaration by either nation."¹

¹ *Annals of Congress*, 1808–1809, p. 1112.

Insults are pointless unless they have a foundation of truth or probability. The Parliament of Great Britain would have laughed at such a taunt; Napoleon would not have understood what it meant; but Congress drew a deep breath of dismay, for every member knew that openly and secretly, in public and in private, the single decisive argument against war had been and still was—fear. After four years of outrage such as would have made the blood of an Englishman or a Frenchman turn to fire in his veins, not an American could be found, between Canada and Texas, who avowed the wish to fight. Quincy's speech produced a momentary outbreak of passion; hot retorts were made; the chamber rang with epithets of abuse; but still no one professed to want war. The House twisted and turned like a martyr on his bed of steel, but its torture was of painful doubt, not of passion.

So far as mere words affected the public mind, Josiah Quincy's taunt, not less than the sarcasms of Canning and the arrogance of Napoleon, stung Americans beyond endurance. In one sense Quincy did good service to his country; his statesmanship, if not refined, was effective; his argument, if somewhat brutal, was strong; and within four-and-twenty hours the House met it in the only way that could preserve the dignity of Congress and the Administration, by passing the bill for an extra session with eighty votes against twenty-six. This result was reached January 20, and seemed to prove that the

Government had overcome its difficulties and mastered the situation; but nothing was further from the truth. Quincy knew what was passing behind the scenes. The Administration, so far from gaining strength, barely showed steadiness. At the moment when New England flung herself, with every sign of desperate rage, across the path of Government, faction within the Republican party struck Madison a severe blow before he had time for defence.

The first sign of Republican revolt appeared in unexpected favors lavished on the maltreated navy. Sixteen Republican senators combined with the Federalists to pass through the Senate a bill which ordered every armed vessel of the government, including gunboats, to be employed at once in active service. Gallatin saw in this measure only an intrigue of the Smiths and an attack upon the Treasury which would cost six million dollars without possible advantage to the public; but in fact the bill proved something more than an intrigue, for it showed the violence of New England reaction against the long starvation of the navy. Futile as was the scheme of manning gunboats in order to waste money which should have been spent on construction or magazines, New England was ready to join the Smiths or any other faction in any vote, however unreasonable, which promised employment for the seamen. Jefferson's system had shown its character most clearly in distrust and discouragement of the navy; and no one could wonder if the first sign of waning in his

authority appeared in that department, or if Madison's first difficulties occurred in the weakest part of the old statesmanship.

Gallatin was taken by surprise, for the bill passed the Senate without serious opposition; but when it reached the House, January 10, the Treasury, through George W. Campbell, tried to strike out the clause which obliged the government to fit out and man all the vessels in the service without regard to the purpose of their employment. A number of Republican members, largely from New England, combining with the Federalists, defeated Campbell by a close vote of sixty-four to fifty-nine. In alarm at a measure which, before war was decided, threatened to take from the Treasury and throw into the ocean all the money reserved to support the first year of hostilities, Gallatin exerted himself to stop it. January 11, David R. Williams and the old Republicans came to his rescue with a motion to recommit, but they were again beaten by fifty-nine to fifty-eight. The next day John Montgomery of Maryland changed sides. By a vote of sixty-nine to fifty-three the bill was recommitted; January 13 the House in committee struck out the mandatory clause by fifty-three votes against forty-two; and January 16 the House accepted the amendment by sixty-eight votes against fifty-five. These divisions showed a considerable number of Republicans still acting with the Federalists; and in this respect the Senate was even less manageable than the House. Only after

an obstinate struggle did the Senate give way so far that at last Congress agreed upon ordering four frigates to be fitted out, and as many gunboats as the public service might in the President's judgment require.

The reasons given by the Senate for persisting in its plan were proof that something remained untold; for they showed the hand and influence of the Smiths, rather than the interests of Madison's coming Administration. David R. Williams, who was a member of the Conference Committee, reported to the House that the managers for the Senate gave three reasons for insisting on their bill:—

“The first of them was that they wanted a pledge from this House that it was willing to come forward and defend the nation; another was that these [frigates] were necessary to defend the gunboats in their operations; and a third, that men could not be got to enlist for the service of the gunboats, and that to remedy this evil they might be enlisted to man the frigates, and afterwards transferred.”¹

A Navy Department which used its frigates to defend gunboats and decoy seamen was hardly fit to be trusted with unlimited credit on the Treasury. Gallatin lost his temper at finding his authority threatened with overthrow by an influence which he knew to be incompetent, and believed to be selfish and corrupt. Irritated by the vote of January 10, the Secretary of the Treasury studied the division—

¹ Annals of Congress, 1808–1809, p. 1185.

list to learn whence came the hostile influence which formed what he called¹ "the navy coalition of 1809, by whom were sacrificed forty Republican members, nine Republican States, the Republican cause itself, and the people of the United States, to a system of favoritism, extravagance, parade, and folly." He found the central point in the "Smith faction, or ruling party," of which he declared Wilson Cary Nicholas to be file-leader in the House, with six votes. With these acted six New York followers of Vice-President Clinton, and five "scared Yankees." The others were merely misled Republicans or Federalists.

"The Smith faction, or ruling party," of which Wilson Cary Nicholas was file-leader in the House, and which never failed to make its influence felt in moments of trouble, had gained in the Senate an ally whose selfishness was equal to that of General Smith, and whose nature was far more malignant. Of all the enemies with whom Madison had to deal, only one in his own party was venomous. Old George Clinton, though openly hostile, possessed strong qualities, and in any event was too old for serious effort. Samuel Smith played the game of politics somewhat too much like a game of whist, in which he allowed his trumps to fall indifferently on his partners or on his opponents, whenever he saw the chance to insure a trick to his own hand; but Smith was still a man from whom in the last resort cour-

¹ Adams's Gallatin, p. 387.

age and energy might be expected, and in whom, selfishness apart, confidence could be placed. No such redeeming quality could be truthfully attributed to William Branch Giles, the senator from Virginia, the third member of the senatorial cabal who was about to place himself in the path of the Administration, and to apply his abilities and persistence to the deliberate task of blocking the wheels of government.

Giles had served his party long and well, and thought himself entitled to higher recognition than he had as yet received. In later times a safe seat in the Senate became almost the highest prize of politics,—men sometimes preferred it to a candidacy for the Presidential office itself; but in 1809 the Cabinet stood above the Senate, and Giles looked upon himself as entitled to the Department of State, and in due time to the Presidency. Madison, with a different view of the public good and of his own comfort, betrayed the intention of appointing Gallatin his Secretary of State; and Gallatin's fitness for the post was so evident as to make his appointment the best that could be suggested; but at the first rumor of the intention, Giles united with Smith in threatening to procure the rejection of Gallatin by the Senate. To deny the President the selection of his own Secretary of State was an act of factiousness which remained without a parallel; but Giles and Smith had both the will and the power to carry their point. Even Wilson Cary Nicholas remonstrated in vain.

“From the first,” was the story told by Nicholas,¹ “Mr. Giles declared his determination to vote against Gallatin. I repeatedly urged and entreated him not to do it; for several days it was an object of discussion between us; there was no way which our long and intimate friendship would justify, consistent with my respect for him, in which I did not assail him. To all my arguments he replied that his duty to his country was to him paramount to every other consideration, and that he could not justify to himself permitting Gallatin to be Secretary of State, if his vote would prevent it.”

Thus Gallatin's foreign birth — the only objection alleged against him — became the pretext for Giles to declare war against the coming Administration of President Madison. With the aid of Vice-President Clinton, Senator Samuel Smith, and the Federalists, Giles could control the Senate; and every factious interest which wished to force on Madison an object of its own was sure to ally itself with these intriguers until its object should be conceded. The Senate was already a hot-bed of intrigue, where William B. Giles, Timothy Pickering, George Clinton, and Samuel Smith held control; and unless Madison by some great effort of force or skill could crush Giles, in time not only the new Administration, but also the Union itself, might find a deadly danger in the venom of his selfishness.

At the close of January, affairs at Washington were trembling on a poise. The laws required for

¹ Adams's Gallatin p. 388.

Madison's purpose were all passed save one; but the party was rent in pieces by faction. Discipline was at an end; the States of Massachusetts and Connecticut were openly adopting treasonable measures; and the great trial of strength — the decision of Congress on immediate repeal of the embargo — had not yet been reached.

CHAPTER XIX.

EARLY in January the intended policy of Madison became known. As the story has already told, Madison and Gallatin decided to retain the embargo until June, but to call the new Congress together May 22, and then to declare war, unless Erskine could make concessions. President Jefferson was chiefly interested in maintaining the embargo until after March 4, and the despotism he had so long maintained over Congress seemed still to exasperate his enemies. By common consent, attack upon the embargo was regarded as attack upon the President: and the Northern Democrats had so far lost respect for their old leader as to betray almost a passion for telling him unpleasant truths.

Joseph Story, who took the lead in this party rebellion, came to Congress determined to overthrow the embargo, and found Ezekiel Bacon — another Massachusetts member — equally determined with himself. In after years Justice Story told the tale as he remembered it:¹ —

“The whole influence of the Administration was directly brought to bear upon Mr. Ezekiel Bacon and

¹ Story's *Life of Story*, i. 187.

myself to seduce us from what we considered a great duty to our country, and especially to New England. We were scolded, privately consulted, and argued with by the Administration and its friends on that occasion. I knew at the time that Mr. Jefferson had no ulterior measure in view, and was determined on protracting the embargo for an indefinite period, even for years. I was well satisfied that such a course would not and could not be borne by New England, and would bring on a direct rebellion. It would be ruin to the whole country. Yet Mr. Jefferson, with his usual visionary obstinacy, was determined to maintain it; and the New England Republicans were to be made the instruments. Mr. Bacon and myself resisted; and measures were concerted by us, with the aid of Pennsylvania, to compel him to abandon his mad scheme. For this he never forgave me."

Joseph Story, with very high and amiable qualities, was quick in temper; and in regard to Jefferson he let his temper master his memory.

"One thing I did learn while I was a member of Congress," he continued, "and that was that New England was expected, so far as the Republicans were concerned, to do everything and to have nothing. They were to obey, but not to be trusted. This, in my humble judgment, was the steady policy of Mr. Jefferson at all times. We were to be kept divided, and thus used to neutralize each other."

In this spirit toward his own President Story came to Washington, and joined hands with Timothy Pickering, John Randolph, and George Canning in the attempt "to lower and degrade" Jefferson in the

eyes of his own people. Jefferson asked only to be spared the indignity of signing with his own hand the unconditional repeal of the embargo; while the single point on which Story, Bacon, Pickering, and Canning were agreed was that the repeal should be the act of the man who made the law. On one side Jefferson, Madison, Gallatin, and their friends entreated Congress to stand firm; to maintain the ground already solemnly taken; to leave the embargo until June, and then to declare war if they pleased. On the other hand, Pickering, Bacon, Story, the Clintons, and the Pennsylvanians demanded immediate repeal,—partly to pacify New England, but quite as much for the reason, which Pickering urged, that immediate repeal would prevent war. That it would in fact prevent war was obvious. Repeal was submission.

Story took no part in the public struggle, for he left Washington about January 20, and the great debate began ten days afterward; but although he held his peace in public, and his friends made no open display of their anger, the temper in which they acted was notorious, and the breach between them and Jefferson was never healed. They could not forgive him: that Jefferson should ever forget the wound they inflicted, required magnanimity beyond that of any philosopher known in politics.

As soon as the naval and military bills and the extra session for May 22 were at last fairly determined and every detail decided, Wilson Cary Nicho-

las took the lead of the House, and January 30 called up a Resolution intended to settle the policy of embargo and war. The words of this Resolve were too serious not to have received very careful attention :

“ *Resolved*, As the opinion of this House, that the United States ought not to delay beyond the —— day of —— to resume, maintain, and defend the navigation of the high seas ; and that provision ought to be made by law for repealing on the —— day of —— the several embargo laws, and for authorizing at the same time letters of marque and reprisal against Great Britain and France, provided on that day their Orders or Edicts violating the lawful commerce and neutral rights of the United States shall be in force ; or against either of those nations having in force such Orders or Edicts.”

Nicholas agreed to divide the Resolution so that a test vote might first be taken on the repeal of the embargo ; and he then moved to fill the blank with the words, “ the first day of June.” The House was thus asked to pledge itself that on June 1 the embargo should cease. On this question the debate began.

David R. Williams was a typical Carolinian. With something of the overbearing temper which marked his class, he had also the independence and the honesty which went far to redeem their failings. He had stood for years, with his friend Macon, proof against the influence of patronage and power ; he supported the embargo, and was not ashamed to avow his dread of war ; but since his favorite mea-

sure was to be thrown aside, he stood by his character, and made an appeal to the House, giving at once to the debate an air of dignity which it never wholly lost: —

“Will you drive us to a repeal of the embargo, and make no resistance? Are you ready to lie down quietly under the impositions laid upon you? You have driven us from the embargo. The excitements in the East render it necessary that we should enforce the embargo with the bayonet or repeal it. I will repeal it, — and I could weep over it more than over a lost child. If you do not resist, you are no longer a nation; you dare not call yourself so; you are the merest vassals conceivable. . . . I appeal to the minority, who hold the destinies of the nation in their grasp, — for they can enforce embargo without the bayonet, — I beg them, if they will not declare war, that they will do the best they can for their country.”

No one then wondered to see South Carolina almost on her knees before Massachusetts, beseeching her, on her own terms, for her own honor, to do the best she could for the common country; but Massachusetts had no voice to respond. Dryly, in the caustic tone of Connecticut austerity, Samuel Dana replied that the days of ancient chivalry had not yet returned. When Massachusetts at last found a spokesman, she gave her answer through the mouth of Ezekiel Bacon, — a man second to none in respectability, but not one whom, in a moment of supreme crisis, the State would naturally have chosen among

all her citizens to pronounce her will. Bacon had carefully collected advice from the men in his State who were most competent to give counsel;¹ but in Massachusetts affairs at Washington were little understood. Bent only on saving the Union by forcing a repeal of the embargo, and hampered by alliance with Federalists and Pennsylvanians, Bacon could not afford to show a sense of national self-respect.

He began by admitting that the discontents in New England made immediate repeal necessary:—

“It surely could not be sound policy, by adhering to this system beyond the measure of absolute necessity, to risk in the hands of any faction which might be disposed to wield it an instrument by which they may endanger the union of our country, and raise themselves to power on the ruins of liberty and the Constitution.”

Such a beginning, offering a reward for threats of disunion, and conceding to traitors what would have been refused to good citizens, was an evil augury; and the rest of Bacon's speech carried out the promise. As he refused to prolong the embargo, so he refused to vote for war. “In every point of view, the policy of declaring offensive war against any nation four months in advance is to me wholly objectionable.” The conclusion was as feeble as was required by the premises; but only some demon of bad taste could have inspired an orator at such a moment to use the language of Falstaff;—

¹ Cf. J. Q. Adams to Ezekiel Bacon, Nov. 17 and Dec. 21, 1808; *New England Federalism*, pp. 127, 131.

“We choose not to take measures any more than to give reasons ‘upon compulsion,’ and we will not so take them. We will, however, I trust, defend ourselves against the depredations of both [belligerents]; and if they both or either choose to persevere in the execution of their lawless aggressions, we shall, it is hoped, become more united in our determination and our efforts to vindicate our rights, if they shall continue to be assailed. At any rate, I am for leaving it to the wisdom of the ensuing Congress, which is to meet at an early day, to determine upon that position which the nation shall take in relation to such a state of things as may grow out of the course which I propose.”

Between the Federalists and the Republicans of Massachusetts Congress was left under no illusions. Bacon expressed in these vacillating phrases the true sense of the country. On the evening of February 2, after four days of debate, the committee, by seventy-three votes against forty, rejected Wilson Cary Nicholas’s motion to fix June 1 as the date for removing the embargo; and the next day, by an affirmative vote of seventy, with no negatives, March 4 was fixed as the term.

Immediately after this decisive division John Randolph took the floor. Discord had become his single object in public life. The Federalists at least had a purpose in their seditiousness, and were honest in preferring the British government to their own; the Republicans of all shades, however weak in will or poor in motive, were earnest in their love of country; but Randolph was neither honest nor

earnest, neither American nor English nor truly Virginian. Disappointed ambition had turned him into a mere egoist; his habits had already become intemperate, and his health was broken; but he could still charge upon Jefferson all the disasters of the country, and could delight in the overwhelming ruin which had fallen upon his former chief. Randolph's speech of February 3 was stale and tedious. Except on the single point of raising the embargo he was spiritless; and his only positive idea, borrowed from the Federalists, consisted in a motion that, instead of issuing letters of marque, Government should authorize merchant-vessels to arm and defend themselves from seizure. If the scheme had a meaning, it meant submission to the British Orders, and was suggested by the Federalists for no other object; but in Randolph's mind such a plan carried no definite consequence.

On Randolph's motion the debate continued until February 7. The Republicans, disconcerted and disheartened by the conduct of their friends from New England and New York, made little show of energy, and left to David R. Williams the task of expressing the whole ignominy of their defeat. Williams struggled manfully. Randolph's fears for the Constitution were answered by the South Carolinian in a few words, which condensed into a single paragraph the results of his party theories:—

“If the Constitution is made of such brittle stuff as not to stand a single war; if it is only to be preserved by

submission to foreign taxation, — I shall very soon lose all solicitude for its preservation.”

With more than Federalist bitterness he taunted the hesitation of the Democrats, — “ contemptible cowardice,” he called it. “ It is time we should *assume*, if it is not in our natures, nerve enough to decide whether we will go to war or submit.” The House replied by striking out the recommendation of reprisals, by a vote of fifty-seven to thirty-nine.

These two votes rendered the Administration for the moment powerless to make head against the sweeping Federalist victory. Josiah Quincy, who watched every symptom of democratic disaster, wrote as early as February 2, before the first defeat of the Administration :¹ “ There is dreadful distraction in the enemy’s camp on the subject of removing the embargo. Jefferson and his friends are obstinate. Bacon and the Northern Democrats are equally determined that it shall be raised in March.” The next day Quincy added : “ Jefferson is a host ; and if the wand of that magician is not broken, he will yet defeat the attempt.”

The contest had become personal ; to break the “ wand of the magician ” was as much the object of Democrats as of Federalists, and neither Madison nor Gallatin could restore discipline. February 4 the Secretary of the Treasury wrote :² “ As far as my information goes, everything grows more quiet in

¹ Quincy’s Life of Quincy, p. 185.

² Adams’s Gallatin, p. 386.

Massachusetts and Maine. All would be well if our friends remained firm here."

The attempt to hold the friends of the Administration firm brought only greater disaster. The vote in committee refusing to recommend reprisals took place February 7; and the next day Quincy wrote again: "Great caucusing is the order of the day and the night here. The Administration is determined to rally its friends, and postpone the removal of the embargo till May. But I think they cannot succeed. Bacon, I am told, stands firm and obstinate against all their solicitations and even almost denunciations. However, they had another caucus last night. The event is unknown. Jefferson has prevailed."

February 9 the result of the caucus was shown by a vote of the House discharging the Committee of the Whole, and referring the subject to the Committee of Foreign Relations, whose chairman was G. W. Campbell,—which amounted to a public admission that Madison's plan had failed, and that some new expedient for uniting the party must be invented. Ezekiel Bacon refused to obey the caucus, and voted with the Federalists against the reference.

President Jefferson, though his name was still a terror to his enemies, accepted whatever decision his Cabinet advised. Till the day of his death he never forgot the violence of these last weeks of his administration, or the outcry of the New England towns. "How powerfully did we feel the energy of this organization in the case of the embargo," he wrote long

afterward.¹ "I felt the foundations of the government shaken under my feet by the New England townships." He showed the same lack of interest in February which had marked his conduct in November; not even the certainty of his own overthrow called out the familiar phrases of vexation. February 7 he wrote to his son-in-law, Thomas Mann Randolph,²—

"I thought Congress had taken their ground firmly for continuing their embargo till June, and then war. But a sudden and unaccountable revolution of opinion took place the last week, chiefly among the New England and New York members, and in a kind of panic they voted the 4th of March for removing the embargo, and by such a majority as gave all reason to believe they would not agree either to war or non-intercourse. This, too, was after we had become satisfied that the Essex Junto had found their expectation desperate, of inducing the people there either to separation or forcible opposition. The majority of Congress, however, has now rallied to the removing the embargo on the 4th March, non-intercourse with France and Great Britain, trade everywhere else, and continuing war preparations. The further details are not yet settled, but I believe it is perfectly certain that the embargo will be taken off the 4th of March."

As the President became more subdued, Senator Pickering became more vehement; his hatred for Jefferson resembled the hatred of Cotton Mather for

¹ Jefferson to J. C. Cabell, Feb. 2, 1816; Works, vi. 540.

² Works, v. 424.

a witch. February 4 he wrote to his nephew in Boston:¹—

“I entertain no doubt that Jefferson stands pledged to Bonaparte to maintain the embargo until a non-intercourse or war shall succeed; and he dreads the explosion justly to be apprehended by him from the disappointment and passion of Bonaparte, should the embargo be removed without a substitute as well or better comporting with his views. Upon this aspect of things it behooves our State legislature to advance with a firm step in defence of the rights of our citizens and of the Constitution. The palatines tremble at their posts. The least relaxation or wavering in the councils of New England would give them fresh courage, and hazard the most disastrous consequences.”

Another observer wrote comments, serious in a different sense. Erskine watched with extreme interest every detail of this complicated struggle, and reported to Canning both facts and speculations which could not fail to affect the British government. Aware that Canning had won a brilliant success, Erskine labored to profit by his triumph, and to turn it in the interests of peace. A vast majority of Americans, he said,² wanted only some plausible excuse to justify them in resenting Napoleon's conduct; but “they naturally wish to be saved the complete humiliation of being obliged avowedly to recant all their violent declarations of their determination never

¹ Pickering to T. Williams, Feb. 4, 1809; Pickering MSS.

² Erskine to Canning, Feb. 9, 1809; MSS. British Archives.

to submit to the Orders in Council of Great Britain." He speculated "how far it might be possible still further to bend the spirit of that part of the people of the United States until they should be forced to single out France to be resisted as the original aggressors while his Majesty's Orders in Council continued to be enforced." After the repeal of the embargo and the refusal to make war, but one remnant of American protest against British aggressions remained. The Republican caucus, February 7, decided in favor of returning to Jefferson's pacific non-intercourse, — the system which had been, by common consent, thrown aside as insufficient even before the embargo. February 10 Erskine gave an account of the new measure, and of its probable effect on American politics: —

"It is true that a non-intercourse law may be considered by the Eastern States very objectionable; but as it would be rather a nominal prohibition than a rigorous enforcement, a resistance to it would be less likely to be made, and of less importance if it should take place. The ultimate consequences of such differences and jealousies arising between the Southern and Eastern States would inevitably tend to a dissolution of the Union, which has been for some time talked of, and has of late, as I have heard, been seriously contemplated by many of the leading people in the Eastern division."

The Non-intercourse Bill, which Erskine described February 10 as likely to be no more than a nominal prohibition of commerce, was reported February 11 to

the House from the Committee of Foreign Relations. The bill excluded all public and private vessels of France and England from American waters; forbade under severe penalties the importation of British or French goods; repealed the embargo laws, "except so far as they relate to Great Britain or France or their colonies or dependencies, or places in the actual possession of either;" and gave the President authority to reopen by proclamation the trade with France or England in case either of these countries should cease to violate neutral rights. That the proposed non-intercourse was in truth submission to the Orders in Council, no one denied.

"I conceive that great advantages may be reaped from it by England," wrote Erskine,¹ "as she has the command of the seas, and can procure through neutrals any of the produce of this country, besides the immense quantity which will be brought direct to Great Britain under various pretences; whereas France will obtain but little, at a great expense and risk."

Such a non-intercourse merely sanctioned smuggling, and was intended for no other purpose. Gallatin in his disgust flung open the doors to illicit commerce. When Erskine went to him to ask what was meant by "France, England, and their dependencies," Gallatin replied that only places in actual possession of England and France were intended; that it was impossible to say what nations had decrees in force infringing neutral rights, but that

¹ Erskine to Canning, Feb. 10, 1809; MSS. British Archives.

even Holland would be considered an independent country.¹

“The intention of this indefinite description,” continued Erskine, “is undoubtedly to leave open as many places for their commerce as they can, consistently with keeping up an appearance of resistance to the belligerent restrictions; but it is thoroughly understood that the whole measure is a mere subterfuge to extricate themselves from the embarrassments of the embargo system, and is never intended to be enforced.”

When this bill came before the House, another long debate arose. Hardly a trace of national pride remained. No one approved the bill, but no one struggled longer against submission. Josiah Quincy and many of the Federalists held that the surrender was not yet complete enough, and that total submission to Great Britain must precede the return of Massachusetts to harmony with the Union, or to a share in measures of government. His words were worth noting:—

“He wished peace if possible; if war, union in that war. For this reason he wished a negotiation to be opened, unshackled with those impediments to it which now existed. As long as they remained, the people in the portion of country whence he came would not deem an unsuccessful attempt at negotiation to be cause for war. If they were removed, and an earnest attempt at negotiation was made, unimpeded with these restrictions, and should not meet with success, they would join heartily in a war.”

¹ Erskine to Canning, Feb. 13, 1809; MSS. British Archives.

Doubtless Quincy believed the truth of what he said ; but as though to prove him mistaken in claiming even the modest amount of patriotism which he asserted for his party, Barent Gardenier immediately followed with a declaration that Great Britain was wholly in the right, and that America should not only submit to the Orders in Council, but should take pride in submission : —

“ I do not say that the orders were lawful, or that they were not infringements of our rights as a neutral nation, — as it might offend the prejudices of the House. But I may be permitted to say that if they were unlawful, I have proved that they are not hurtful ; that the British Orders in Council only supplied to that which our sense of honor would lead us to do, their sanction.”¹

Gardenier's views roused no longer much outward irritation. The war Republicans liked honest avowals better than sham patriotism ; but John Randolph, unwilling to be embarrassed with allies so candid, rated Gardenier sharply : —

“ I looked at the gentleman from New York at that moment with the sort of sensation which we feel in beholding a sprightly child meddling with edged tools, — every moment expecting, what actually happened, that he will cut his fingers. . . . The gentleman's friends, if any he have, — and I have no right to presume that he has none, but the contrary, — will do well to keep such dangerous implements out of his way for the future.”

Randolph himself persisted in the scheme of withdrawing all restrictions on commerce, and allowing

¹ *Annals of Congress*, 1808–1809, p. 1460.

merchant-vessels to arm, — a measure which had the advantage of being warlike or pacific, according as he should prefer in the future to represent it. David R. Williams hit upon an idea more sensible, and likely to prove more effective. “If the embargo is to be taken off, and war not to be substituted, — if the nation is to submit, — I wish to do it profitably.” He proposed to shut out the shipping of England and France, but to admit their manufactures, under a duty of fifty per cent when imported in American vessels. A number of Southern Republicans approved this plan.

Much the strongest speech against the bill was that of George W. Campbell, who made no attempt to hide his mortification at seeing the House desert him, its leader, and turn its back upon the pledge it had solemnly given in accepting his Report only two months before : —

“At the very time when your own people are rallying round the standard of their government; when they are about to shake off that timidity, that alarm, that restless disposition, which the first pressure occasioned by the suspension of commerce naturally produced; when they are, in almost every quarter of the Union, declaring their determination and solemnly pledging themselves to support your measures, to maintain the embargo, or go to war if necessary, — to do anything but submit: at that very moment, instead of being invited by a similar patriotic enthusiasm to throw yourselves in front, and to lead them on to the honorable contest, you abandon the ground you have already occupied, you check their gen-

erous enthusiasm, and leave them the mortification of seeing their country disgraced by a timid, temporizing policy that must, if persevered in, ruin the nation."

Although events had already proved that no appeal to self-respect called out a response from this Congress, Campbell might reasonably suppose that arguments of self-interest would be heard; and he pressed one objection to the bill which, in theory, should have been decisive:—

"The non-intercourse would press most severely on the Southern and Western States, who depend chiefly on the immediate exchange of their productions for foreign goods, and would throw almost the whole commerce of the nation into the hands of the Eastern States, without competition, and also add a premium on their manufactures at the expense of the agricultural interest to the South and West. Foreign goods being excluded, the manufacturing States would furnish the rest of the Union with their manufactured goods at their own prices."

A moment's reflection must have satisfied the Republicans that this argument against the bill was fatal. Non-intercourse must ruin the South, in order to offer an immense bribe to the shipping and manufactures of New England as an inducement for New England to remain in the Union. The manufacturing interests never ventured to ask such extravagant protection as was thrust upon them in 1809 by the fears of the agricultural States; the greed of corporate capital never suggested the monopoly created for Eastern ships and factories by a measure which

shut from America all ships and manufactures but theirs. Even if but partially enforced, such legislation was ruinous to agriculture.

Entreaty and argument were thrown away. The House lost discipline, self-respect, and party character. No one felt responsible for any result, no majority approved any suggestion. As the last days of the session drew near, the machinery of legislation broke down, and Congress became helpless. So strange and humiliating a spectacle had not before been seen. The nation seemed sinking into the weakness of dissolution.

The paralysis came in a form that could not be disguised. While the House disputed over one Non-intercourse Bill, the Senate passed another; and February 22 the House laid aside its own measure in order to take up that of the Senate, which contained the disputed clause authorizing letters of marque and reprisal against nations that should continue their unlawful edicts after repeal of the embargo. In pursuance of its vote of February 7, the House in committee promptly struck out the reprisal clause. Next it rejected David R. Williams's motion for discriminating duties. Ezekiel Bacon, perhaps somewhat scandalized at the legislation he had chiefly caused, suggested the Federalist plan of authorizing merchant-vessels to resist seizure; and February 25 a struggle occurred on the question of permitting forcible resistance by merchant-vessels. The minority was deeply agitated as the act of complete submission

became imminent. David R. Williams cried that if the House could so abandon national rights, they deserved to be scoffed by all the world; John W. Eppes declared himself compelled to believe Josiah Quincy's assertion that the majority could not be kicked into a war; even the peaceable Macon moved a warlike amendment. Vote after vote was taken; again and again the ayes and noes were called on dilatory motions of adjournment; but every motion looking toward war was steadily voted down, and in the end, February 27, the Non-intercourse Bill in its most unresisting shape received the approval of the House. Not a speaker defended it; at the last moment the charge was freely made that the bill had not a single friend. The members who voted for it declared in doing so that the measure was a weak and wretched expedient, that they detested it, and took it merely as a choice of evils; but eighty-one members voted in its favor, and only forty in the negative. More extraordinary still, this non-intercourse, which bound the South to the feet of New England, was supported by forty-one Southern members, while but twelve New England representatives recorded their names in its favor.

Three months afterward, at a moment when the danger of war seemed to have vanished, John Randolph recalled the memory of this confused struggle, and claimed for President Jefferson and himself the credit for having prevented a declaration of war. He had voted against the non-intercourse, he said, be-

cause he had believed that he could get rid of the embargo on still better terms; others had voted against it because they thought it absolute disgrace: ¹—

“The fact is that nobody would advocate it; that though it was carried by a majority of two to one, those who finally voted for it condemned it, and all parties seemed ashamed of it; and that . . . all the high-toned men and high-toned presses in this country denounced the majority of this House for passing that law, as having utterly disgraced themselves. . . . If the great leaders could have been gratified, according to their own showing they would have dragged this country into a war with Great Britain. . . . Now to be sure, sir, those persons who undertook to stop their wild career were composed of heterogeneous materials; . . . there were minority men, caucus men, protesters, — in fact, sir, all parties, Catholics, Protestants, Seceders, — and all were united in the effort to prevent the leaders of both Houses from plunging the nation into a war with one Power and knuckling to the other; from riveting the chains of French influence, perhaps of French alliance upon us. Thank God that their designs were proclaimed to the nation, that the President did not give his consent, which would have made us kick the beam. Yes, sir! Federalists, minority men, protesters, and all would have kicked the beam if it had ever emanated from the Cabinet that the President was for war.”

If Randolph was right, the “wand of the magician” had not been broken; and other observers besides Randolph held the same opinion. “Jefferson

¹ Annals of Congress, 1809–1810; part i. 149, 150.

has triumphed," wrote Josiah Quincy, February 27, immediately after the repeal; "his intrigues have prevailed."¹

In a spirit widely different from that of Randolph and Quincy, Nathaniel Macon, February 28, wrote to his friend Nicholson, —

"Otis, the Secretary of the Senate, has this moment informed the House of Representatives that the Senate have agreed to the amendments made by the House to the Bill to repeal the embargo.

"The Lord, the mighty Lord, must come to our assistance, or I fear we are undone as a nation!"²

¹ Quincy's Life of Quincy, p. 185.

² Macon to Nicholson, Feb. 28, 1809; Nicholson MSS.

CHAPTER XX.

THE repeal of the embargo, which received the President's signature March 1, closed the long reign of President Jefferson; and with but one exception the remark of John Randolph was destined to remain true, that "never has there been any Administration which went out of office and left the nation in a state so deplorable and calamitous." That the blame for this failure rested wholly upon Jefferson might be doubted; but no one felt more keenly than he the disappointment under which his old hopes and ambitions were crushed.

Loss of popularity was his bitterest trial. He who longed like a sensitive child for sympathy and love left office as strongly and almost as generally disliked as the least popular President who preceded or followed him. He had undertaken to create a government which should interfere in no way with private action, and he had created one which interfered directly in the concerns of every private citizen in the land. He had come into power as the champion of States-rights, and had driven States to the verge of armed resistance. He had begun by claiming credit for stern economy, and ended by exceeding

the expenditure of his predecessors. He had invented a policy of peace, and his invention resulted in the necessity of fighting at once the two greatest Powers in the world.

The feelings of the New England Democrats have been described in their own words. Angry as Ezekiel Bacon and Joseph Story were, their bitterness against Jefferson was hardly so great as that of the Clintonians in New York; but the same irritation extended even into the compact democracy of Pennsylvania. In the preceding summer, before the Presidential election, A. J. Dallas said to Gallatin:¹ "I verily believe one year more of writing, speaking, and appointing would render Mr. Jefferson a more odious President, even to the Democrats, than John Adams." So far as could be judged from the conduct of the party, the prophecy became truth. The Southern Republicans, always loyal to a Southern President, would not openly turn against their old leader, but the Northern Democrats made no disguise of their aversion.

Not even in 1798 had factiousness been so violent as in the last month of President Jefferson's power; in 1800 the country in comparison had been contented. Feb. 23, 1809, nearly three weeks after the disastrous overthrow of the embargo in Congress, the Connecticut legislature met in special session to "interpose" between the people and the national government. In a Report echoing the words of Governor Trumbull's speech, the House instantly approved his refusal to aid

¹ Dallas to Gallatin, July 30, 1808; Adams's Gallatin, p. 372.

in carrying out the "unconstitutional and despotic" Enforcement Act, and pledged itself to join the legislature of Massachusetts in the measures proposed "to give to the commercial States their fair and just consideration in the Union."¹ The spirit in which Massachusetts meant to act was shown in a formal Address to the People issued by her Legislature March 1, bearing the official signatures of Harrison Gray Otis, President of the Senate, and Timothy Bigelow, Speaker of the House.

"Protesting in the sight of God the sincerity of their attachment to the Union of the States, and their determination to cherish and preserve it at every hazard until it shall fail to secure to them those blessings which alone give value to any form of government," the Massachusetts legislature laid before the people of the State certain Reports and measures adopted for the purpose of impeding the embargo laws, and apologized for having done no more, on the ground that more could not have been done "without authorizing a forcible resistance to Acts of Congress,—an ultimate resource so deeply to be deprecated that the cases which might justify it should not be trusted even to the imagination until they actually happen." Less than forty years before, Massachusetts had used much the same language in regard to Acts of Parliament, and the world knew what then followed; but even in the bitterest controversies

¹ Report and Resolutions, National Intelligencer, March 10, 1809.

over Stamp Act or Port Bill, the General Court of Massachusetts had never insulted King George as they insulted President Jefferson. The Address at great length asserted that his Government was laboring under "an habitual and impolitic predilection for France;" and even in making this assertion it apologized for England in terms which echoed the words of Canning and Castlereagh:—

"Without pretending to compare and adjust the respective injuries sustained from the two nations, it cannot be disguised that in some instances our nation has received from Great Britain compensation; in others offers of atonement, and in all the language of conciliation and respect."

On the other hand, war with England must lead to alliance with France; and that a connection with France "must be forever fatal to the liberty and independence of the nation is obvious to all who are not blinded by partiality and passion."

Such reasoning had the merits of its emphasis. The case of forcible resistance which could not be trusted to the imagination until it happened pointed designedly to a war with England, which, being equivalent to a connection with France, must be forever fatal to the liberty and independence of the United States. The dogma that a British war must dissolve the Union had become more than ever an article of Federalist faith. Even Rufus King, writing to Pickering, January 31, said:¹ "The embargo, as we are

¹ King's Life and Correspondence, v. 131.

now told, is to give way to war. If the project be to unite with France against England, the Union cannot be preserved." To prevent war with England was to prevent a dissolution of the Union; and the legislature of Massachusetts, acting on that idea, closed what it called its "Patriotick Proceedings," by declaring to the people of the Commonwealth the measures by which alone the Union could be saved:—

"As the malady is deep, you will still be deceived by trusting to any temporary relief. You must realize and comprehend the nature of your peculiar interests, and by steady, persevering, and well-concerted efforts rise into an attitude to promote and preserve them. The farmer must remember that his prosperity is inseparable from that of the merchant; and that there is little affinity between his condition and habits and those of a Southern planter. The interests of New England must be defined, understood, and firmly represented. A perfect intelligence must be cultivated among those States, and a united effort must be made and continued to acquire their just influence in the national government. For this purpose the Constitution should be amended, and the provision which gives to holders of slaves a representation equal to that of six hundred thousand free citizens should be abolished. Experience proves the injustice, and time will increase the inequality, of this principle, the original reason for which has entirely failed. Other amendments to secure commerce and navigation from a repetition of destructive and insidious theories are indispensable."

Such were the conditions on which Massachusetts must insist:—

“ The Legislature are aware that their measures and sentiments will encourage their opponents in propagating the foul imputation of a design to dismember the Union. But when did party malice want a theme to excite popular prejudice? When did it have recourse to one more absurd and unfounded?”

The object of the Federalist majority was to strengthen the Union,—so they protested and so they doubtless believed; but in truth they insisted upon creating a new Union as a condition of their remaining in the old. The fatal word “must” ran through all their demands:—

“ If the Southern States are disposed to avail themselves of the advantages resulting from our strength and resources for common defence, they must be willing to patronize the interests of navigation and commerce without which our strength will be weakness. If they wish to appropriate a portion of the public revenue toward roads, canals, or for the purchase of arms and the improvement of their militia, they must consent that you who purchase your own arms, and have already roads, canals, and militia in most excellent order, shall have another portion of it devoted to naval protection. If they in the spirit of chivalry are ready to rush into an unnecessary and ruinous war with one nation, they must suffer you to pause before you bid an eternal adieu to your independence by an alliance with another.”

Union of New England against the national Union—an idea hitherto confined to the brain of Timothy Pickering—had become the avowed object of the Massachusetts and Connecticut legislatures. “Noth-

ing less than a perfect union and intelligence among the Eastern States" could answer the objects of Pickering; but side by side with the perfect union of the Eastern States went a perfect intelligence between those States and the British government. On one side, Pickering maintained relations with Rose; on the other, Sir James Craig kept a secret agent at Boston. January 26, at the moment when the crisis of war or peace was about to be decided at Washington, Mr. Ryland at Quebec, on behalf of the Governor-General of Canada, sent for John Henry to undertake another winter journey through New England.¹ His instructions, dated February 6 and signed by Sir James Craig himself, enjoined the utmost secrecy, and restricted Henry to the task of ascertaining how far, in case of war, the Federalists of the Eastern States would look to England for assistance, or be disposed to enter into a connection with the British government.² Only in case the Federalist leaders should express a wish to that effect was Henry cautiously to avow his official character, and to receive any communication for transmittal. February 10 Henry started on this errand, but before he reached Boston the news that Congress had decided to repeal the embargo without declaring war left him little to do. He remained quietly in Boston, in familiar relations

¹ Ryland to John Henry, Jan. 26, 1809; State Papers, iii. 546.

² Sir James Craig to John Henry, Feb. 6, 1809; State Papers, iii. 546.

with the Federalist leaders,¹ without betraying his errand; and the substance of his reports to the governor-general amounted only to a decided opinion that the Federalists were not yet ready to act: "I can assure you that at this moment they do not freely entertain the project of withdrawing the Eastern States from the Union, finding it a very unpopular topic."² Until midsummer, when the last fear of war vanished, this accredited agent of the governor-general waited at Boston for events. "His manners being gentlemanly and his letters of introduction good," said Josiah Quincy, "he was admitted freely into society and heard the conversation at private tables."

Had Jefferson known that a British emissary was secretly waiting at Boston to profit by the result of eight years' Republican policy, he could not but have felt deep personal mortification mingled with his sense of wrong. Of all Jefferson's hopes, perhaps the warmest had been that of overthrowing the power of his New England enemies,—those whom he had once called the monarchical Federalists,—the clergy and the Essex Junto. Instead of overthrowing them he had given them, for the first time in their lives, unlimited power for mischief; he had overthrown only the moderate Federalists, who when forced to choose between treason and embargo submitted to the embargo and hated its author. The Essex

¹ Quincy's *Life of Quincy*, p. 250.

² Henry to Sir J. Craig, March 7, 1809; *State Papers*, iii. 549.

Junto became supreme in New England; and behind it stood the power of Great Britain, ready to interpose, if necessary, for its defence.

Jefferson submitted in silence, and even with an air of approval, to the abrupt abandonment of his favorite measure. He admitted that the embargo had failed; he even exaggerated its evils, and described it as more costly than war. His language implied that the failure of peaceable coercion was no longer a matter of doubt in his mind.

"The belligerent edicts," he wrote to Armstrong,¹ "rendered our embargo necessary to call home our ships, our seamen, and property. We expected some effect, too, from the coercion of interest. Some it has had, but much less on account of evasions and domestic opposition to it. After fifteen months' continuance, it is now discontinued because, losing fifty million dollars of exports annually by it, it costs more than war, which might be carried on for a third of that, besides what might be got by reprisal."

To Dupont de Nemours Jefferson wrote in the same strain.² He signed without the betrayal of a protest the bill repealing the embargo, and talked of war as a necessary evil. Not until more than a year afterward did he admit the bitterness of his disappointment and mortification; but July 16, 1810, he wrote to his old Secretary of War a letter which expressed,

¹ Jefferson to Armstrong, March 5, 1809; Works, v. 433.

² Jefferson to Dupont de Nemours, March 2, 1809; Works, v. 432.

in his familiar note of irritability, the feelings he had pent up:¹—

“The Federalists during their short-lived ascendancy have nevertheless, by forcing us from the embargo, inflicted a wound on our interests which can never be cured, and on our affections which will require time to cicatrize. I ascribe all this to one pseudo-Republican,—Story. He came on in place of Crowninshield, I believe, and stayed only a few days, — long enough, however, to get complete hold of Bacon, who, giving in to his representations, became panic-struck, and communicated the panic to his colleagues, and they to a majority of the sound members of Congress. They believed in the alternative of repeal or civil war, and produced the fatal measure of repeal. . . . I have ever been anxious to avoid a war with England unless forced by a situation more losing than war itself; but I did believe we could coerce her to justice by peaceable means; and the embargo, evaded as it was, proved it would have coerced her had it been honestly executed. The proof she exhibited on that occasion that she can exercise such an influence in this country as to control the will of its government and three fourths of its people is to me the most mortifying circumstance which has occurred since the establishment of our government.”

In truth, the disaster was appalling; and Jefferson described it in moderate terms by admitting that the policy of peaceable coercion brought upon him mortification such as no other President ever suffered. So complete was his overthrow that his popular influence

¹ Jefferson to Dearborn, July 15, 1810; Works, v. 529.

declined even in the South. Twenty years elapsed before his political authority recovered power over the Northern people; for not until the embargo and its memories faded from men's minds did the mighty shadow of Jefferson's Revolutionary name efface the ruin of his Presidency. Yet he clung with more and more tenacity to the faith that his theory of peaceable coercion was sound; and when within a few months of his death he alluded for the last time to the embargo, he spoke of it as "a measure which, persevered in a little longer, we had subsequent and satisfactory assurance would have effected its object completely."¹

A discomfiture so conspicuous could not fail to bring in its train a swarm of petty humiliations which for the moment were more painful than the great misfortune. Jefferson had hoped to make his country forever pure and free; to abolish war, with its train of debt, extravagance, corruption, and tyranny; to build up a government devoted only to useful and moral objects; to bring upon earth a new era of peace and good-will among men. Throughout the twistings and windings of his course as President he clung to this main idea; or if he seemed for a moment to forget it, he never failed to return and to persist with almost heroic obstinacy in enforcing its lessons. By repealing the embargo, Congress avowedly and even maliciously rejected and trampled upon the only part of Jefferson's statesmanship which claimed originality,

¹ Jefferson to W. B. Giles, Dec. 25, 1825; Works, vii. 424.

or which in his own opinion entitled him to rank as a philosophic legislator. The mortification he felt was natural and extreme, but such as every great statesman might expect, and such as most of them experienced. The supreme bitterness of the moment lay rather in the sudden loss of respect and consideration which at all times marked the decline of power, but became most painful when the surrender of office followed a political defeat at the hands of supposed friends.

The last days of his authority were embittered by a personal slight which wounded him deeply. After the peace of Tilsit the Emperor Alexander of Russia expressed a wish to exchange ministers with the United States government. In every point of view America must gain by winning the friendship of Russia; and much as Jefferson disliked multiplying diplomatic offices, he could not but feel that at a time when his ministers were likely at any moment to be driven from France and England, nothing could be more useful than to secure a foothold at St. Petersburg. Without loss of time he created the mission, and appointed his old personal friend William Short to the new post. In August, 1808, during the recess of Congress, he sent Short to Europe, with orders to stop at Paris until the Senate should confirm his appointment. For political reasons Jefferson waited till the close of the session, and then, February 24, made this appointment the subject of his last Message to the Senate, explaining the motives which had

induced him to create a diplomatic agency at St. Petersburg, and announcing that Short had received his commission and had gone to Europe six months before on this errand.

No sooner had the Senate, on receiving this Message, gone into executive session than Senator Bradley of Vermont offered a Resolution that any intercourse with Russia, such as the President suggested, might "be carried on with equal facility and effect by other public agents of the United States without the expense of a permanent minister plenipotentiary;" or in case of sudden negotiations for peace in Europe, "the permanent minister at any of the Courts thereof may be instructed to attend on the same;" and that for these reasons the proposed appointment was at present inexpedient and unnecessary. After much secret debate, Senator Bradley, February 27, withdrew his motion, and the Senate then abruptly and unanimously rejected Short's nomination.

The discourtesy was flagrant. As a matter of policy the new mission might fairly be subject for argument; and the Senate had a right, if it chose, to follow its own opinions on such a subject. Unreasonable as was the idea of sending hither and thither the American ministers "at any of the Courts of Europe," when every senator knew that on the continent of Europe America had but one minister, and even he was on the verge of dismissal or recall; ill-judged as was the assertion that a consular agent could carry on "with equal facility and effect" at a

Court like that of St. Petersburg a diplomatic intercourse which would need every resource of public and private influence; narrow as was the policy of refusing "the expense of a permanent minister plenipotentiary" to the only nation in the world which offered her friendship at a moment when England and France were doing their utmost to spare America the expense of legations at London and Paris,—yet these objections to Jefferson's wish were such as the Senate might naturally make, for they were the established creed of the Republican party, and no one had done more than Jefferson himself to erect them into a party dogma. Dislike of diplomacy was a relic of the old colonial status when America had been dependent on Europe,—a prejudice rising chiefly from an uneasy sense of social disadvantage. Whenever America should become strong and self-confident, these petty jealousies were sure to disappear, and her relations with other Powers would be controlled solely by her wants; but meanwhile the Senate in every emergency might be expected to embarrass the relations of the Executive with foreign governments, and to give untenable reasons for its conduct. That the Senate should object, could have been no surprise to Jefferson; but that it should without even a private explanation reject abruptly and unanimously the last personal favor asked by a President for whom every Republican senator professed friendship, and from whom most had received innumerable favors, seemed an unpardonable insult. So Jefferson felt

it. He wrote to Short in accents of undisguised mortification : —

“ It is with much concern I inform you that the Senate has negatived your appointment. We thought it best to keep back the nomination to the close of the session, that the mission might remain secret as long as possible, which you know was our purpose from the beginning. It was then sent in with an explanation of its object and motives. We took for granted, if any hesitation should arise, that the Senate would take time, and that our friends in that body would make inquiries of us and give us the opportunity of explaining and removing objections ; but to our great surprise and with an unexampld precipitancy they rejected it at once. This reception of the last of my official communications to them could not be unfelt.”¹

Senators attempted explanations : Short had been too long in the diplomatic service or resident abroad ; the diplomatic connections of the United States with Europe were already too extensive, and rather than send more ministers those actually abroad should be recalled ; “ riveted to the system of unentanglement with Europe,” the Senate, though sensible of “ the great virtues, the high character, the powerful influence, and valuable friendship of the Emperor,” declined the honor of relations with him. Yet these reasons showed only that the Senate felt as little regard for Jefferson’s opinions and feelings as for those of the Czar. The manner of the rejection, even more

¹ Jefferson to W. Short, March 8, 1809 ; Works, v. 435.

than the rejection itself, proved the willingness of the President's oldest friends to inflict what they knew to be a painful wound on the self-respect of a fallen leader.

These mortifications, which rapidly followed each other in the last days of February, were endured by Jefferson with dignity and in silence. Perhaps senators would have better understood and might have more respected a vigorous burst of anger, even at some cost of dignity, than they did the self-restraint of the sensitive gentleman who had no longer a wish but to escape from Washington and seek peace in the calm of Monticello. He could with only a pang of mortified pride write his excuses to the Emperor Alexander and to William Short, and dismiss the matter forever from his mind. Public annoyances were for him nearly at an end, and could never recur; but unfortunately these public trials came upon him at a moment when his private anxieties were extreme.

In his style of life as President, Jefferson had indulged in such easy and liberal expenses as suited the place he held. Far from showing extravagance, the White House and its surroundings had in his time the outward look of a Virginia plantation. The President was required to pay the expenses of the house and grounds. In consequence, the grounds were uncared for, the palings broken or wanting, the paths undefined, and the place a waste, running imperceptibly into the barren fields about it. Within,

the house was as simple as without, after the usual style of Virginia houses, where the scale was often extravagant but the details plain. Only in his table did Jefferson spend an unusual amount of money with excellent results for his political influence, for no President ever understood better than Jefferson the art of entertaining; yet his table cost him no excessive sums. For the best champagne he paid less than a dollar a bottle; for the best Bordeaux he paid a dollar; and the Madeira which was drunk in pipes at the White House cost between fifty and sixty cents a bottle. His French cook and cook's assistant were paid about four hundred dollars a year. On such a scale his salary of twenty-five thousand dollars was equivalent to fully sixty thousand dollars of modern money; and his accounts showed that for the first and probably the most expensive year of his Presidency he spent only \$16,800 which could properly be charged to his public and official character.¹ A mode of life so simple and so easily controlled should in a village like Washington have left no opening for arrears of debt; but when Jefferson, about to quit the White House forever, attempted to settle his accounts, he discovered that he had exceeded his income. Not his expenses as President, but his expenses as planter dragged him down. At first he thought that his debts would reach seven or eight thousand dollars, which must be discharged from a private estate hardly

¹ Jefferson's Financial Diary. Harper's Magazine, March, 1885, pp. 534-542.

exceeding two hundred thousand dollars in value at the best of times, and rendered almost worthless by neglect and by the embargo. The sudden demand for this sum of money, coming at the moment of his political mortifications, wrung from him cries of genuine distress such as no public disaster had called out. He wrote to his commission-merchant entreating him to borrow the money:—

“Since I have become sensible of this deficit I have been under an agony of mortification, and therefore must solicit as much urgency in the negotiation as the case will admit. My intervening nights will be almost sleepless, as nothing could be more distressing to me than to leave debts here unpaid, if indeed I should be permitted to depart with them unpaid, of which I am by no means certain.”¹

Large as it was, this estimate of the debt fell far short of the reality. The arrears amounted in truth to twenty thousand dollars.² Nothing but immediate and rigid economy could restore the loss, and even with every advantage Jefferson could never hope to live again upon his old scale without incurring bankruptcy; he must cease to be a *grand seigneur*, or drag his family into the ruin which seemed to be the fate of every Virginian.

Under the weight of these troubles, public and private, Jefferson's longing to escape became intense; and his letters repeated, in accents more and more earnest, the single wish that filled his mind.

¹ Domestic Life of Thomas Jefferson, p. 400.

² Randall's Jefferson, iii. 326.

"I shall within a few days," he wrote February 25,¹ "divest myself of the anxieties and the labors with which I have been oppressed, and retire with inexpressible delight to my family, my friends, my farms, and books. There I may indulge at length in that tranquility and those pursuits from which I have been divorced by the character of the times in which I have lived, and which have forced me into the line of political life under a sense of duty and against a great and constant aversion to it."

March 2 he wrote to Dupont de Nemours,² in stronger terms of weariness and disgust: "Never did a prisoner released from his chains feel such relief as I shall on shaking off the shackles of power. Nature intended me for the tranquil pursuits of science by rendering them my supreme delight." March 4 he rode once more on horseback to the Capitol, and stood by the side of Madison while John Marshall administered the oath of office. The weight of administration was at last removed, but the longing for home became only the greater. March 5 he wrote to Armstrong:³ "Within two or three days I retire from scenes of difficulty, anxiety, and of contending passions, to the elysium of domestic affections and the irresponsible direction of my own affairs." A week afterward Jefferson quitted Washington forever. On horseback, over roads impassable to wheels,

¹ Jefferson to Warden, Feb. 25, 1809; Jefferson MSS.

² Jefferson to Dupont de Nemours, March 2, 1809; Works, v. 432.

³ Jefferson to Armstrong, March 5, 1809; Works, v. 434.

through snow and storm, he hurried back to Monticello to recover in the quiet of home the peace of mind he had lost in the disappointments of his statesmanship. He arrived at Monticello March 15, and never again passed beyond the bounds of a few adjacent counties.

With a sigh of relief which seemed as sincere and deep as his own, the Northern people saw him turn his back on the White House and disappear from the arena in which he had for sixteen years challenged every comer. In the Northern States few regrets were wasted upon his departure, for every mind was intent on profiting by the overthrow of his system ; but Virginia was still loyal to him, and the citizens of his own county of Albemarle welcomed with an affectionate address his final return. His reply, dignified and full of grateful feeling, seemed intended as an answer to the attacks of partisan grossness and a challenge to the judgment of mankind :—

“The anxieties you express to administer to my happiness do of themselves confer that happiness ; and the measure will be complete if my endeavors to fulfil my duties in the several public stations to which I have been called have obtained for me the approbation of my country. The part which I have acted on the theatre of public life has been before them, and to their sentence I submit it ; but the testimony of my native county, of the individuals who have known me in private life, to my conduct in its various duties and relations is the more grateful as proceeding from eye-witnesses and observers, from triers of the vicinage. Of you, then, my neighbors,

I may ask in the face of the world, 'Whose ox have I taken, or whom have I defrauded? Whom have I oppressed, or of whose hand have I received a bribe to blind mine eyes therewith?' On your verdict I rest with conscious security."

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